

Minutes of the Regular Meeting of the Syracuse City Council held on April 27, 2010, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

Councilmember Clark was excused from the meeting.

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

City Employees Present:

Police Chief Brian Wallace
Building Official Jason VanAusdal
Recreation Director Kresta Robinson
Finance Manager Amber Fowles
City Engineer Rick Hansen
GIS Technician Troy Moyes

Visitors Present:	Brianna Wilson	Emily Thompson	Brooke Elliott
	Tyler Knighton	Adam Reynolds	Pat Brenchley
	Shauna Pitt	Bob VanVelkinburgh	Jeanne VanVelkinburgh
	Lurlen Knight	Alex Willie	Chris Willie
	Philip Rogich	Dean Kreger	Rob Ortega
	Robert Whiteley	Troy Shingleton	Judy Merrill
	Sophia Watters	Ray Watters	Mazie Watters
	Charlie Duran	Mary Duran	Brent Bourgeois
	Joannie Panucci	Eugene Carlsen	Lavell Sackett
	Joseph Failoni	Chase McLower	Jerry Guffey
	Mandi Hardy	AJ Halloway	Colleen Thurgood
	Edith Reniker	Allison Thompson	Tyler Fralick
	Caleb Hill	Scott Bayer	Courtney Hackett

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 Shingleton. At the request of the Mayor, Councilmember Hammond led all present in the Pledge of Allegiance.

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Clark was not present when this vote was taken.

2. Approval of Minutes

The minutes of the Work Session Meeting of April 13, 2010 were reviewed.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETING OF APRIL 13, 2010 AS PRESENTED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Clark was not present when this vote was taken.

The minutes of the Regular Meeting of April 13, 2010 were reviewed.

Councilmember Peterson stated that page 20, line 18 refers to Mayor Nagle as Jamie and he stated that should be changed to provide consistency throughout the minutes. He then stated that page 21, line 24 indicates that Councilmember Hammond asked a question, when the question was actually asked by Councilmember Peterson.

COUNCILMEMBER SHINGLETON MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 13, 2010 AS AMENDED. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Clark was not present when this vote was taken.

3. Public Comments

Brent Bourgeois, 3008 S. 3000 W., stated that he wanted to speak regarding item 11 on tonight's agenda. He stated he is in favor of adoption of the proposed Ordinance 10-02, which will amend Title 10 – the City's Land Use Code. He stated that he was unable to attend the public hearing held by the Planning Commission on the same matter, which is why he is speaking this evening. He stated that last fall he built a swimming pool at his residence and the building permit for that addition is nearing closure. He stated that he built a dressing room to accompany the pool and he also added a retractable swimming pool cover. He explained that the cover was destroyed in a recent storm; he has been working with his insurance company to repair the damage and he was given the choice of replacing the retractable cover or building something more permanent and stronger. He stated he opted for the more permanent and stronger solution, but that may require him to get additional permits from the City, which could take several weeks due to the fact that he would need to receive Planning Commission approval. He stated that the structure he will build will meet all the requirements of the City Code and he would like the option of application being handled administratively. He reiterated he is in favor of adoption of proposed Ordinance 10-02. Mayor Nagle thanked Mr. Bourgeois for his comments.

Joannie Panucci, 2480 S. 2000 W., stated she had two items to speak about this evening. She stated the first item is the fact that the Council is considering altering their meeting schedule by reducing the number of monthly meetings to one. She stated that the Syracuse City Council has always held two meetings a month. She asked what would happen if a citizen had issues arise immediately following the only Council meeting of the month. She stated that citizen would be forced to wait nearly one month to address the Council. She stated she is aware there has been some discussion about allowing public comments during work session meetings, but it is her understanding that the Council is not to be interrupted during those meetings; if a citizen wants to make public comments they have the opportunity to do so during the regular meeting. She stated that when each member of the Governing Body sought election they were aware that the Council held two monthly meetings and if they choose to change that schedule they are telling the public that they do not have time for them. She added that if the meeting schedule is altered the salaries paid to each elected official should be altered as well. She then stated that the second issue she wished to discuss was information included in the minutes of the special Council meeting of February 2. She stated that she read the minutes and was very disturbed by them. She read the following caption from the February 2 minutes:

“Mayor Nagle stated that prior to moving forward she wanted to address a few things with the Council. She distributed a copy of a letter from the United States Office of Special Council to the entire Council and explained that there is one Councilmember along with the former Mayor and his wife who are trying to make very certain that Mayor Nagle has been elected to her position in a legal fashion. She explained that the US Office of Special Council, the Lieutenant Governor's Office, the Governor's Office, the Utah Attorney General, two local newspapers, and her employer have all weighed in on this issue and all have determined that her candidacy for Mayor was not a violation of the Hatch Act. She stated that now that everyone knows that she is here to stay, she hopes that everyone can work together rather than work against each other, because it is time for the City to move forward.”

Mayor Nagle informed Ms. Panucci that her three minutes of allotted time had expired. Ms. Panucci asked that she be given an additional three minutes in the place of another resident addressing the Council. Mayor Nagle stated that would not be allowed. Ms. Panucci asked Joseph Failoni to address the Council and finish reading her written statement into the record.

Joseph Failoni, 3324 S. 1000 W., read a written statement from Ms. Panucci as follows:

“Let me make something perfectly clear. If we had requested this investigation we would have no problem telling you publicly that we had done so because the investigation was good. It was clearly stated there was no Hatch Act violation and it allows your administration to move forward without any cloud hanging over the election and frankly I am surprised at the tone that was evident in the minutes. I would like to ask you, Jamie, where did you get the information to justify your accusation because it is a false accusation.”

Ms. Panucci asked Mayor Nagle for an answer to her question. Mayor Nagle stated this is a time for public comments. Ms. Panucci again asked for an answer to her question. Mayor Nagle explained to Ms. Panucci that she is welcome to schedule some time to meet one-on-one to have a conversation about this issue. She stated she would be happy to do that, but now is the time set aside during the Council meeting for public comments. Ms. Panucci stated that the Council and Mayor can talk to residents during public comments. She stated that Mayor Nagle spoke to the gentleman that addressed the Council before her. Mayor Nagle reiterated that she would be happy to meet with Ms. Panucci one-on-one to discuss the issue. Mr. Failoni then continued reading the written statement as follows:

“I am still puzzled as to why you were upset by this investigation and why you would not pick up the phone and call us before you made a false accusation. I came to the City after reading the minutes and filled out a Government Records Access and Management Act (GRAMA) request for the letter that Jamie is referring to from the US Office of Special Council regarding the Hatch Act. I made two phone calls to them asking them if they could tell me who

submitted information for the investigation to be done. They both informed me that information is not public and they could not tell me the name of the person nor do they give that information to anyone – even the person being investigated. My husband, the former Mayor, and I had absolutely nothing to do with this. I would hope, Jamie, that you would do the right thing and apologize for the false accusations and would like for you to make a comment on the public record correcting your statement in the minutes of February 2.”

Mayor Nagle thanked Mr. Failoni for his comments. Ms. Panucci asked Mayor Nagle for a response. City Administrator Worthen informed Mayor Nagle that another three minute block of time had expired. Ms. Panucci asked resident Lavell Sackett to approach the podium. Mayor Nagle indicated that she is conducting the meeting and invited Ms. Panucci to sit down as there are other citizens that have requested time to address the Council during the public comments portion of the meeting.

Eugene Carlson, 342 S. 3000 W., stated that he has three items to discuss this evening. He stated that first, he is concerned about the potential alteration of the Council meeting schedule; holding only one meeting each month is completely ridiculous, especially considering the fact that there have been Council meetings in the past that have lasted until after midnight. He stated that the Council would not have enough time in one meeting to get the City’s business done. He stated that he is opposed to the change as is the entire Museum Board. He stated the second item he wished to discuss is the road construction in the City. He asked if it is possible to request that the construction in front of the museum and the bank could be completed before the construction crews begin working on another location. He stated that area has been in disrepair for some time. He added that there was previously a sign located on Antelope Drive that directed traffic to the museum; that sign has been taken down and has not been replaced even though other signage has been replaced. He stated he would like to know what has happened to the sign and he would like information regarding when it will be reinstalled. He then stated the third item he wished to discuss was the upcoming event at the museum. He stated that beginning May 15 there will be a display called “Letters from GI’s”. He explained the display will provide information and support of veterans and he invited the Council, Mayor, and all citizens of Syracuse City to attend.

4a. Set Public Hearing for May 11, 2010 to consider Proposed Resolution R10-13 providing regulations and a fee schedule for business advertising in the Syracuse City newsletter.

The Council has recently been discussing the idea of allowing local businesses to advertise in the City newsletter in order to generate some revenue to cover the cost of printing and mailing the newsletter to every household in the City. A draft fee schedule for the advertising was reviewed during the April 13, 2010 work session meeting. Staff was directed to make some changes to the fee schedule and write some draft regulations regarding how advertising will be managed. Proposed Resolution R10-13 was drafted to allow the Council to consider the fee schedule and draft regulations. It is necessary to hold a public hearing prior to the adoption of a fee schedule. In order to meet the public hearing noticing requirements, staff recommends setting a public hearing for May 11, 2010.

COUNCILMEMBER PETERSON MADE A MOTION TO SET A PUBLIC HEARING FOR MAY 11, 2010 TO CONSIDER PROPOSED RESOLUTION R10-13 PROVIDING REGULATIONS AND A FEE SCHEDULE FOR BUSINESS ADVERTISING IN THE SYRACUSE CITY NEWSLETTER. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Clark was not present when this vote was taken.

5. Citizen Recognition – Award of certification of commendation to Sophia Watters for her valuable contributions to the Veterans of the George E. Wahlen Ogden Veteran’s Home.

Mayor Nagle invited Sophia Watters to the podium. She then explained that she received a letter from Kim Wixom from the George E. Wahlen Veteran’s Home informing her of the efforts of a Syracuse citizen. She explained that Mr. Wixom himself is a veteran and he wanted to make sure that the City is aware of the efforts of one young woman. She asked Ms. Watters to tell the Council and the audience what she did. Ms. Watters explained that she raised money by selling Krispy Kreme donuts and cotton candy at the Syracuse High School football and soccer games. Mayor Nagle asked Ms. Watters what she did with the money that she raised. Ms. Watters explained that she donated it to the George E. Wahlen Veteran’s Home in Ogden to buy books for all the veterans. Mayor Nagle displayed a copy of the book that was purchased for each veteran as well as the letter that she gave to each veteran. She stated that the book is titled The Quite Hero – The Untold Medal of Honor Story of George Wahlen at the Battle of Iwo Jima. Mayor Nagle stated that is who the Veteran’s Home is named after. She stated that she wanted to give an official certificate of commendation to Ms. Watters and she congratulated Ms. Watters on her efforts. The audience gave a round of applause to Ms. Watters.

Councilmember Hammond told Ms. Watters that he knows George Wahlen personally and he is a very fine man and what Ms. Watters has done is very outstanding.

Mayor Nagle stated that she wanted Ms. Watters to know that her husband is a veteran and there are several veterans present this evening. She stated she did not think that people realize what kind of service the veterans give to our country – not just in the past, but everyday. She stated that for someone of Ms. Watters' young age to commit so much time, effort, and energy to provide for them is extraordinary. She stated that she really wanted Ms. Watters to know how much she believed that means to the people of the Veteran's Home as well as to the people of this community. She encouraged Ms. Watters to keep up the good work.

6. Report from Lurlen Knight regarding North Davis Sewer District (NDS) Operations.

Lurlen Knight approached the Council and stated he had several items to report to the Council. He stated that every year the NDS offers bio-solids to the public. He stated he told the City recently that the bio-solids were now available, but they are already gone; they were gone within three weeks of being made available to the public. He stated he would encourage the City to consider using bio-solids next year. He stated several farmers in the area use them as does West Point City and this year a municipality in Idaho brought down several trucks to be filled with bio-solids. He stated the bio-solids are available free of charge. He stated that after applying bio-solids there may be an unpleasant smell for a couple of weeks, but it is a very good fertilizer that is high in nutrients. Councilmember Peterson inquired as to why the NDS does not charge for the bio-solids if they are so popular. Mr. Knight explained that some districts do charge for bio-solids. He stated there are different ratings for bio-solids and the bio-solids at the NDS are rated Class A, which is the highest rating available. He stated that means that the NDS's bio-solids are very clean. He stated the NDS does not charge a fee simply because they want to get rid of all of it. He stated that they only stock a certain amount of bio-solids at a time and it used to take up to three months to get rid of all the bio-solids once they were made available to the public, but this year it only took three weeks. He stated that the NDS have talked about charging a fee in the future, but to this point they have determined that the material belongs to the public and they can have it back free of charge. He stated he would not use the fertilizer in his garden, but it good for pasture ground. He then reported that the NDS is going to be implementing a flow monitoring system; the system will monitor the fluid that flows into the sewer plant. He stated that the reason for this is that a lot of people have sump pumps in their homes and they like to discharge their pumps into the sewer. He stated the sewer is not designed to take on that extra load and it can overwhelm the system and cause sewage backups. He stated that the citizens need to be aware that if they continue to discharge their sump pumps into the system the NDS will soon be able to determine exactly where that water is coming from. He stated offenders will be fined for discharging their water into the sewer. He then stated the NDS has plans to replace a line that will serve the City shops. He stated that project has been delayed somewhat because the NDS recently discovered that there is a neighborhood that has connected to the old line. He stated that the District was not aware of that when the project was advertised for bidding. He stated the project will still go forward, but it may take longer than originally anticipated. He then stated that he has talked to the City in the past about including infrastructure lines on the City's GIS system. He stated that most of the City's lines are not on the GIS system. He stated he knows that the City is dealing with budget shortfalls and it does cost money to complete GIS work, but it would be very helpful to several entities to have all lines in the City included on the GIS system. He then reported that last month he attended a conference regarding sewer operations and there are a lot of things being passed down from the State and federal government that will impact local districts. He stated that one issue is that there are problems with nutrients that are getting into the water; all water systems in Utah have been affected. He stated that there is a plant in Coalville that discharges into Echo Reservoir and the water from that reservoir travels down the Weber River and eventually into the City. He stated there are nutrients in that water, though the levels are not too high yet. He stated that the federal government is getting involved because it has been found that in some cases the nutrients overwhelm plant life; the government wants to see the installation of systems that will remove the nutrients. He stated that there are nutrients in the Jensen Pond. He stated that he does not know exactly where they are coming from, but he suspects they may be coming from the fertilizers that residents use on their lawns. He stated that the reason he raises this issue is that adding a system to remove nutrients is very expensive. He stated that a study was completed recently to determine how much the average household can afford to spend on their sewer bill each month. He stated that the determined amount is 1.4 percent of the average household income, which is equal to \$45 per month for phosphorous removal and \$10 per month for nitrogen removal. He stated that he wanted people to be aware that their costs could increase in the event that nutrient removal systems are mandated by the government. He stated that he believed the current cost for sewer utility service for Syracuse City residents is approximately \$15 per month. He stated that if nothing is done the sewer systems and water could be overwhelmed by nutrients. He provided an example dealing with the consumption of pharmaceuticals and explained that it is possible for there to be a slow build-up of the materials used in pharmaceuticals. He then stated that the NDS continues to consider building an education facility at the plant, but he does not want to give too much information about the facility until plans become more developed. He stated there is a lot of local interest in having the facility built, but it is still necessary to have a conversation regarding how the construction of the

facility would be funded. He then stated that last time he attended a Council meeting he was asked for information about the new legislation passed during the 2010 Legislative Session dealing with voting by board members of special districts. He stated that he has discussed the issue with the NDSB's attorney and Representative Paul Ray and both explained that they did not feel that the new legislation would have any impact on the current operations of the NDSB. He stated that he also requested a legal opinion from the State's attorney, but he has not yet received that.

Councilmember Kimmel stated that during the work session meeting held prior to this meeting there was a discussion about whether Mr. Knight should be allowed to continue acting as a NDSB Boardmember even though he is no longer an elected official for the City. He stated that it was communicated that everyone on the Governing Body would like for the City to be represented on Boards of Trustees by elected officials and there was a section of the Utah State Code that was cited that dealt with the same issue. He stated that the City is going to seek further legal clarification, but the Code statute seems to clearly state that once an elected official ceases to hold their elected position, their position on the Board of Trustees should also be terminated. He asked Mr. Knight why he will not relinquish his position on the NDSB board to an elected official so that the citizens of the City have proper representation with a taxing entity. Mr. Knight stated that he believed the citizens still have representation. He then stated that he has been asked by several people to maintain his position on the NDSB Board – some have asked strenuously. He stated he has not been asked nor directed to resign his position there. He stated that one of the issues the board deals with is inconsistency with its members. He stated difficulties are created for the board when they are trying to work through issues and in the middle of that process board members leave the board to be replaced by someone new. He stated that once that happens, the entire process must be restarted. He stated that he mentioned during the work session that due to some of these types of issues the Central Davis Sewer District chose to hold their own elections and require that anyone on the board be elected to that position rather than simply choosing elected officials from local municipalities. Councilmember Kimmel stated he felt that is a good practice. Mr. Knight stated the reason he has chosen to maintain his position is to continue to work on the projects he has been working on, but he is certainly in favor of following the law and he will await the legal opinion received by the City regarding the State statute that was discussed earlier this evening. He stated he will also confer with the NDSB's attorney to get his opinion regarding the statute. Councilmember Kimmel stated that this issue has not been officially voted upon by the Council, but he believes there is consensus and it is evident that the Governing Body would like him to step down so that an elected official can represent the citizens to the NDSB. He asked Mr. Knight if he would step down or would he allow the tax payer dollars to be spent on a legal battle only so that he can hold his position on the Board for another seven months. Mr. Knight stated he would turn that question back to Councilmember Kimmel. He asked Councilmember Kimmel if he was willing to use tax payer dollars at the NDSB to start processes anew due to a board member being replaced. He stated that it is up to the City if there is going to be a legal battle. He stated he will follow through with the commitments that he has made and he will complete his term unless the law dictates otherwise. Councilmember Kimmel asked Mr. Knight if he will defy the Council and State statute and cause the City to waste tax payer dollars. Mayor Nagle stated that she wanted to interject. She stated that the Council has not voted on this issue; there have been discussions, but she does not want Councilmember Kimmel to communicate that there has been consensus. Councilmember Kimmel stated he would speak for himself. Mayor Nagle stated she would appreciate that. Mr. Knight stated that he has been told that the Council had come to an agreement that he should be allowed to complete his term at the NDSB. He stated tonight is the first time he has heard that the Council may want him to resign his position. Councilmember Kimmel asked how Mr. Knight would respond if an ordinance were voted upon and passed by the Council. Mr. Knight stated that he has already answered Councilmember Kimmel's question. He stated that he will complete his term on the Board as he has been asked to do. Councilmember Kimmel stated that is a very telling answer.

Councilmember Hammond stated that he has a question regarding the removal of nutrients. He stated that Mr. Knight communicated that process will be very expensive and he asked if the NDSB is entertaining a possible tax increase to deal with those expenses. Mr. Knight stated that Councilmember Hammond asks questions about whether the NDSB is considering a tax increase each time he is here to present information. He stated each time the answer is that there is currently no discussion of a tax increase on the horizon. He stated the answer is the same in this instance. He stated that at the recent conference he attended 75 percent of the classes had to deal with nutrient removal. He stated that there are currently no discussions regarding tax increases. He stated the NDSB has postponed nearly all of the projects they were planning to complete. He stated they are still purchasing easements to preserve ground in the future.

Councilmember Peterson stated that regardless of what the future holds for Mr. Knight, he wanted him to know that he is appreciative that Mr. Knight would honor the Council's request that he attend one Council meeting a month to provide a report regarding what is happening at the NDSB. Mr. Knight asked if a once monthly report is sufficient, to which Mayor Nagle answered yes.

7. Authorize Administration to execute change order #2 to 2700 South road reconstruction and waterline replacement project agreement.

Granite Construction and Syracuse City Staff request a change order for the construction of the 2700 South roadway between 1000 West and 2000 West. During the pre-lowering of the manholes and valves, it was found that the existing roadway cross section varied substantially through the job site and rather than pulverizing the roadway, import material will be required to build the base section of the roadway.

During the design of the project, staff used pothole and trench data from prior projects to estimate the cross section of the road. From the field information gathered, it was determined that the roadway could be pulverized and new asphalt could be placed to re-construct the roadway. This method was selected as it saves money by reducing or eliminating import and export material from the job site.

As the contractor began lowering manholes and valves in the roadway, they found that there were areas with an asphalt thickness of 1-inch with no base or minimal base material. As they progressed through the job site the asphalt thickness varied from 1 to 4-inches with a base thickness from 0 to 8-inches. The thicker asphalt and base sections were found along the shoulders where the roadway had been widened during the 1999 roadway improvement project.

City Staff and the Contractors Managers and Supervisors met on the job site to discuss available options of construction. Since the cross section varied so much, pulverizing the roadway was no longer a feasible option. It was determined that to construct a roadway to meet the existing and future traffic volumes, the native material needs to be replaced with suitable road base. The contractor submitted a price to excavate from curb to curb and to bring in new base. This is a worst case scenario as it is anticipated that the shoulders will contain good material and will not require excavation.

The contractor submitted a cost of \$474,643.70 to replace the native and poor materials with road base. By excavating the roadway, there will be some items removed from the original bid which will reduce the cost submitted by \$70,685.12. With these deductions, the change order amount is \$403,958.58. At the present time, the contractor is looking at using recycled base which could reduce the actual change order amount.

Staff recommends approval of the Contractor's and City staff's request for a change order to the 2700 South Road Reconstruction and Culinary Waterline Replacement Project.

City Engineer Hansen approached the Council and briefly summarized the staff memo that was provided to each Councilmember and the Mayor prior to this meeting. Mayor Nagle inquired as to who was responsible for preparing the estimated project costs for this project. Mr. Hansen explained that the estimates were prepared by the Public Works Department; they used historical data to try to save some costs on the design of the project. He explained they have performed quite a few repair projects on the road and they felt they had enough information regarding the road itself to make some educated guesses as to the project costs. He then explained that he has gathered different pieces of asphalt from the road; some are four inches thick and others are only one inch thick, though they all came from areas of the road within six feet of each other. He stated that the different asphalt thicknesses are the cause of the problem and the reason for the recommended change order. He then explained that in 1999 the shoulders and curb and gutter were added to the road so there is a decent asphalt thickness in those areas.

Mayor Nagle asked if those contractors submitting a bid for the project have an obligation to visit the site and inspect the area in which they will be performing work. Mr. Hansen stated that they do have an obligation to do that and they also have the option of taking asphalt core samples. He stated they usually do not take those samples and instead they refer to the engineers design. He stated that a lot of the contractors that submitted bids did call the City to get information regarding the road and three different contractors said that pulverizing the road would be the best option and that they could use the millings from the road in the reconstruction.

Mayor Nagle asked if the contractor should absorb the increased cost that is being recommended rather than the City absorbing it. Mr. Hansen explained that the contractors provided bids based on information they received from the City. Mayor Nagle asked how much it would have cost to perform core samples. Mr. Hansen stated that the cost for general core samples is approximately \$5,000. He stated that core samples are often not performed in order to keep engineering costs low. He stated that recent utility cut information is used to determine the same information that would be gathered through core samples.

Councilmember Kimmel asked if anyone knows when the road was constructed, to which Mr. Hansen answered no. Councilmember Kimmel stated that should have 'raised red flags'; the City and contractors should have known that the road was likely not constructed by today's construction standards. Mr. Hansen stated that is true, but the same circumstances were present during the reconstruction of 700 South and the City did not encounter the same problems with that road. He stated that for that project contractors were able to pulverize the road and use nearly all the base under the asphalt. He stated that the contractor for this project has said this is a very non-typical situation; one of the foremen for the company has been in his line of work for 35 years and he has never seen this situation. He added that prior to beginning construction the contractor obtained core samples and found the samples were consistent with the data provided by the City. He stated that once

manhole covers were removed the contractor found the problem. He stated that it is difficult to know exactly what materials lay under a roadway unless the desire is to pay a significant amount of money to core every five feet down and across the roadway.

Councilmember Kimmel asked if the difference in the thickness of the asphalt was found in the cross section, or width, rather than in the length of the roadway. Mr. Hansen stated that the varied thicknesses were found in the width and the length of the road. He stated that is why this is such a non-typical situation. He stated that as a result of this situation he may request more coring in the design phase of future road projects. He stated, however, that the City could have obtained more core samples of the road and they still may not have found the problems prior to bidding the project.

Councilmember Shingleton asked Mr. Hansen if he was able to inspect the areas around the manhole covers to verify that what the contractor is saying is correct. Mr. Hansen answered yes and explained that the contractor called a meeting and took him and Mr. Waite to the project site to inspect the manholes. He stated after that meeting discussions began regarding how to move forward. He stated that all parties involved want to build the road correctly so that it will last.

Councilmember Hammond stated that the cost of the project is increasing dramatically and he asked Mr. Hansen if there is a chance that there may be future problems with the roadway that could cause additional change orders and increased costs. Mr. Hansen stated that the City and the contractor do not believe they will encounter more problems at the project site. Councilmember Hammond asked if it is possible that the problem with the asphalt thickness does not exist throughout the entire roadway and it may not be necessary to spend the total change order amount to address the issue. Mr. Hansen stated that the contractor originally believed there were just a few areas of the road where the asphalt thickness issue existed, but they then found other areas outside of the core locations and those were areas that the City originally believed would be acceptable.

Mayor Nagle inquired as to the total project cost prior to the proposed change order, to which Mr. Hansen answered \$452,000. Mayor Nagle stated that the proposed change order amount will nearly double the total project cost. Mr. Hansen stated that is correct.

Councilmember Kimmel asked how the City can be confident that the proposed change order amount is consistent with market standards. Mr. Hansen stated there are numerous other current bids in the market that the City can compare to. He added that the City has also asked the contractor to provide bids they have submitted for other projects they are working on to ensure that their proposed costs are competitive.

Councilmember Kimmel asked if, in the future, the City can dictate in the project specifications that contractors must obtain core samples at the project site so they are aware of what they are actually bidding on. Mr. Hansen stated that is possible. Councilmember Shingleton stated that even though that process may cost a little more he believed it would do away with any assumptions and the design of the project would be correct. Councilmember Peterson asked if requiring the contractor to obtain core samples for this project would have protected the City. Mr. Hansen answered no and stated that in this case it would have been impossible to determine the situation under the roadway unless core samples were obtained every 10 feet across and down the roadway. He stated that obtaining that many core samples would have increased the design costs for the project significantly.

Mayor Nagle stated that she feels that if a contractor provides the City with a price for a project and then they begin the project and find out it is going to cost them more to do the project than the amount they bid, that is their fault and they should assume responsibility for it. Mr. Hansen stated that he agrees to an extent, but in this case the City provided all bidding contractors with a scope of work and told them that they could pulverize the road and use the materials currently under the road. He added that the City provided all contractors with a set of plans and specifications to ensure that all bids received by the City would be uniform. He stated that the engineers did the best they could do on this job without tearing up the road themselves. He stated that it is impossible to know what will be underground once a road project commences; there is a risk associated with road projects. He added that risk could be assigned to the contractor, but in those cases the project cost is usually double or triple what it would have been otherwise. He stated that if the contractor assumes the risk and doubles their bid and then they do not encounter any unforeseen problems they stand to make a huge profit on the job. He stated that in this case the City assumed the risk rather than putting it on the contractors. He stated that the City Administration and the Public Works Department were involved in creating the scope of work for this project and they wanted to get the best use out of the tax payer's dollars. He stated that he, as an engineer, tries to be as accurate with his projections as he can. Mayor Nagle stated that she appreciates that, but her concern is that the City told the public that 2700 South would be reconstructed and that the cost for that project was approximately \$400,000; the project then commenced and the City determines it is necessary to double the cost of the project without gaining any input from the public. She stated that is problematic and she feels the City 'dropped the ball' in this situation. She stated the only reason it is necessary to double the price of the project is that the City did not spend money up front to obtain core samples of the roadway. She stated that it feels wrong to her that the cost has doubled after construction has begun and now the two major east/west thoroughfares in the City are under construction. She stated that it feels as if the City has a 'gun to its head' and the biggest retailer in the

City, R.C. Willey, is caught in the middle. She stated that she is not happy about the situation and she reiterated that she feels that someone 'dropped the ball' somewhere in the process. Mr. Hansen stated that in this case he will take full responsibility, but he explained that he would stand by the engineering practices that he used and he would do the same thing again if asked to perform the engineering work for this project. He added that the City could have told the contractor to go ahead with pulverizing the road and the end product might have been acceptable, but the road would have failed in five years and his head, along with those of other City employees, would have been 'on the chopping block'. He stated that he would rather come to the Council at this point in time and explain why this situation occurred than come back in five years and explain why the road failed and why nothing was done to prevent that.

Councilmember Kimmel asked Mr. Hansen what he learned from this situation and what could be done in the future to prevent this from happening. Mr. Hansen stated that in the future he can require more coring of roadway projects, as long as the Council understands that is not a guaranteed solution and that this same situation could still occur even with increased coring. Councilmember Kimmel asked if that is the only technology available to the City to try to predict these situations in the future. Mr. Hansen stated there is one other technology available, but it is very expensive; for a project the size of 2700 South it would cost roughly the same amount for the technology as it would have cost to simply pulverize the road.

Mayor Nagle stated that she does appreciate Mr. Hansen's integrity; there is a lot to be said for that. She stated that she simply felt that she needed to voice her concerns about this situation. Mr. Hansen stated that he also has concerns and he has spent sleepless nights trying to figure out how to proceed. He stated that in the end he wants to be sure that he does whatever possible to see that a road will be built that is going to last. He added that he does not like to see change orders on any projects he is a part of; his firm is rated on change orders and it looks very bad for them to have any change orders that are more than 10 percent of the total project cost. He stated that change orders are something that he does not take lightly. He stated that his firm was part of the drilling of a well in the City and there were no change orders associated with that project.

Councilmember Kimmel asked Mr. Hansen if the senior partners of his firm have reviewed the project design and the information provided by the contractor, to which Mr. Hansen answered yes. Councilmember Kimmel inquired as to what their feedback was. Mr. Hansen stated that they are also very disappointed and they have talked with various contractors to see if there is anything that could have been done differently. He stated they are constantly looking for ways to improve their practices and further their profession.

Mr. Worthen stated that he wanted to comment that he also appreciates Mr. Hansen's honesty and accountability in this situation. He stated this is a difficult issue for the City and in this case the cost for the change order is very high. He stated that the City will be committed to doing better in the future. He stated that the road project 'is what it is' and in the end he hopes to have a product that will be durable, long lasting, and capable of handling increased traffic in order to improve transportation means for City residents. Mayor Nagle responded by stating that four or five months ago the City decided to pour a sidewalk on 1700 South without performing any survey work on the site in order to save money. She stated that as a result the City spent more money in the long run than would have been spent if the proper surveying had been performed. She stated that an ounce of prevention is worth a pound of cure. She stated that situation offered the City a learning opportunity, yet that was not incorporated into this process. Mr. Worthen stated that the City could have done better in this situation and they will be committed to doing better in the future.

Councilmember Peterson stated that he agrees with the concerns that have been voiced, but given Mr. Hansen's explanation he is not sure that additional coring would have saved the City any money; the only thing that may have been saved is the embarrassment of a change order.

COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE CHANGE ORDER #2 TO 2700 SOUTH ROAD RECONSTRUCTION AND WATERLINE REPLACEMENT PROJECT AGREEMENT. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Clark was not present when this vote was taken.

8. Public Hearing – Proposed Resolution R10-10 adjusting the Syracuse City budget for the Fiscal Year ending June 30, 2010.

The original budget and project scope of the 2700 South Road Replacement included asphalt pulverization and new asphalt. The budgeted dollar amount for this was \$300,000. During design, there were additional items added to the scope, namely road base in trench areas, storm drain repairs and land drain improvements to improve the overall quality and life of the reconstructed roadway. These items increased the overall project budget an additional \$152,439.44. Once construction started, it was found that the asphalt and road base thickness in the project carried substantially. Due to the changing roadway cross section, the construction methods had to change. Existing asphalt and road base will be removed and new road base and asphalt will be placed. This change results in a construction increase of \$367,141.28. The total road construction cost will be \$819,580.72.

Staff recommends adoption of Proposed Resolution R10-10 to open the Impact Fee Budget to increase the 2700 South Roadway Improvements budget amount by \$535,000, which includes a contingency. The total budgeted amount for roadway projects with the changes, if approved will be \$835,000.

Mr. Hansen reviewed the staff memo provided regarding this item and explained that requesting an increase to the project budget is not something that he takes lightly. He stated that he has worked very hard with City staff to ensure that he is providing the best service to the City. He stated that engineering practices for City projects have actually been bettered over the last four to five years; prior to that there were very few engineering inspections performed for these types of project.

Mr. Worthen then stated that the project increase will be funded by the City's fund balance; the transportation impact fee capital account will be increased to cover the project costs.

Councilmember Hammond stated that in the staff memo there is mention of including a contingency amount in the project budget and he asked for information about that. Mr. Hansen stated that contingencies are put in place to cover minor unforeseen costs. He stated that it is sometimes difficult to determine the exact amounts of certain materials that will be needed to complete the project and in the event that additional materials are needed the contingency could support the associated increase in costs. Councilmember Hammond asked if the contingency amount is included in the final project dollar amount, to which Councilmember Peterson answered yes and pointed out that the final project amount is included in the Proposed Resolution. Mr. Hansen added that it was also included in the total dollar amount of change order two that the Council just voted to approve.

Councilmember Kimmel asked if this increased project cost will be included in the bottom line in the City's budget, or will it only be visible in the impact fee budget. Mr. Worthen stated that it will only be visible in the impact fee budget documents; it is not part of the general fund. Councilmember Kimmel inquired as the current balance in the impact fee capital fund. Mr. Worthen stated that the current balance is nearly \$1.2 million and by the end of the year it will be nearly \$1.4 million. He stated the total project amount for the 2700 South project will be deducted from that balance. Councilmember Kimmel asked if those funds are generated by the revenues associated with development impact fees. Mr. Worthen stated that he was simply referencing the transportation impact fee accounts.

Mayor Nagle then convened the public hearing.

Lurlen Knight, 400 S. 2000 W., stated that he wanted to make some comments on Mr. Hansen's behalf. He stated that he is a member of the North Davis Sewer District (NDS) Board and they have completed many projects where they have encountered issues underneath roadways that they had no way to predict. He stated that creating project specifications is not a precise art and there will likely be many issues with the 2700 South roadway project that were impossible to anticipate. He stated that this is another argument and reason to use the City's GIS system to document infrastructure within the City.

Rob Ortega, 1866 S. 2465 W., stated that he agrees with the comment that Councilmember Peterson made that coring the roadway would have only saved the City the embarrassment of a change order. He stated he wanted to ask a hypothetical question; if the contractor had submitted a bid and then began the project and realized it would cost him less to complete the project, would he have passed those savings on to the City or would he have simply 'caught a lucky break'?

Chris Willie, 3317 S. 930 W., stated she was wondering what the proposed budget increase for the project is. She asked if it is \$578,000, to which Mayor Nagle answered yes. Mr. Hansen explained that the original project budget was \$300,000. He explained that the first change order increased the project by approximately \$175,000 and the second change order will increase the project by approximately \$400,000.

Mr. Hansen then stated he would try to answer Mr. Ortega's question. He stated that in this case if the City would have bid this project in the same manner it was bid, which was to remove asphalt and remove the road base, there would have been no savings because that is the method the City chose to use. Mayor Nagle asked what would happen if the cost of asphalt decreased to \$1.00 per yard from \$10.00 per yard. Mr. Hansen stated that in that case the City would consult with the contractor to try to get him to pass those savings on to the City. He stated if the contractor were to refuse to do that their business would suffer because word of that behavior would spread throughout the area. He stated that the opposite situation has already occurred; since the contract was awarded culinary pipe prices have increased, but the City does not expect the contractor to come back to the City and ask for an increase in their bid. He added that contractors are usually fairly easy for the City to work with; in this case the roadway is not in the condition that the contractor expected it to be in.

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

COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-10 ADJUSTING THE SYRACUSE CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2010. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Clark was not present when this vote was taken.

9. Public Hearing – Consideration of request for donation by Syracuse High School Graduation Party Committee in accordance with Utah Code Annotated, 1953 § 10-8-2.

City legal counsel has suggested the Governing Body hold a public hearing to determine whether the requested donation is appropriate according to Utah Code Annotated, 1953 § 10-8-2(3). City Administrator Worthen has provided a brief analysis regarding the donation request. The analysis reads as follows:

Syracuse City has received a request from Syracuse High for a donation to the 2010 graduation party. The City is considering this contribution to the school to be a donation. Utah Code section 10-8-2 limits the appropriation of money (the term appropriation includes gifts or donations) to municipal corporate purposes only, but provides that it is considered a corporate purpose to appropriate money for any purpose that, in the judgment of the municipal legislative body, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality subject to the city's legislative body first holding a public hearing on the matter of the donation. The public hearing requires a 14 day notice published in the newspaper. The city must undertake a study to determine what benefit the city or town will receive for the proposed appropriation of money; the public purpose of the appropriation; and whether the appropriation will accomplish that purpose. The purpose of the public hearing is to receive comments on the proposed donation or appropriation of money.

The City staff has reviewed the benefits of the donation to the Syracuse High school graduation party. We have found the benefits exceed the cost of the requested donation. The funds will provide to the City and school administration a means to improve public safety thru cost-effective sharing of resources and centralization of party attendees enhances student safety. Thus, the community(s) potentially has less public safety demands. In addition, a centralized party location creates safety in numbers and monitoring of activities. As such, the City donation facilitates a reduction in the negative aspects of private social gatherings around the community, increased traffic, less police interaction, noise, etc. Moreover, the order and convenience of the community will be enhanced because students can congregate and celebrate their scholastic achievements among peers in a school facility rather than private areas. In my review, the value of the funding is a net benefit to Syracuse City. As such, the City staff recommends the donation to Syracuse High be granted to promote community safety and well being.

Mr. Worthen reviewed the analysis that he prepared. He stated that in years past the City has made a donation to the graduation party committee; last year the City donated \$100 and in years past the City has donated \$500.

Mayor Nagle inquired as to the proposed contribution is this year. Mr. Worthen stated that he would recommend the City donate \$500. Mayor Nagle explained that she received a phone call from Clearfield Mayor Wood regarding a concern that he had. She explained that in the past Clearfield City has made a donation to both the Clearfield High School and the Syracuse High School graduation party committee because they have residents that attend both schools. She explained that Mayor Wood told her that in the past Syracuse City has not done the same and some feel that Clearfield High School has been 'short-changed'. She stated that Mayor Wood wanted to make sure that his city was not inadvertently harming the majority of their residents that attend Clearfield High School by donating to both schools in hopes that Syracuse City would match that donation. Councilmember Peterson asked Mayor Nagle what she was suggesting. Mayor Nagle stated that she does not have a recommendation in mind; she simply wanted to share Mayor Wood's feelings with the entire Council. Councilmember Shingleton asked if the City received a donation request from Clearfield High School this year, to which Mr. Worthen answered no. Councilmember Shingleton asked if the City made a donation to the Clearfield High School graduation party committee last year. Mr. Worthen stated he did not believe so.

Mayor Nagle then convened the public hearing.

Chris Willie, 3317 S. 930 W., stated that she is assisting in the planning of the Clearfield High School graduation party and the party committee approached Councilmember Clark asking if they could be allowed to use the City's Community Center at no cost on the night of the graduation party. She stated that as far as she is aware that request has been approved. She stated she was told that fee waiver is equivalent to \$400. Mr. Worthen stated that is correct. Ms. Willie stated that may take the place of a formal donation made by the City to the graduation party committee. Councilmember Hammond asked if that request was brought before the Council. Mr. Worthen stated that it was not brought before the Council; Councilmember Clark called him and he simply approved it.

Joannie Panucci, 2480 S. 2000 W., stated that she has helped plan the Clearfield High School graduation party in the past and she feels that it is a fun evening for the students; the party provides the students with a safe environment and she feels that the City should make an equal donation to both schools.

Police Chief Brian Wallace stated that his Department was asked by both schools' graduation party committees to assist with security efforts on the evening of their respective parties. He explained that both parties will largely be held in the City and they are going to be held on consecutive nights. He stated that he has offered to provide police service to both

schools. He explained that several officers, including himself, have volunteered to provide that service so as not to incur additional costs for the City. He stated he simply wanted the Council to know that both schools are being given equal consideration by his Department. He stated he is happy that both schools will be holding their parties in the City and he thought it was important for himself and other officers to donate their time.

Kariann Lisonbee, no address given, stated that she feels that the graduation parties are a great idea. She explained that the high school seniors have worked very hard and they deserve to have a party, but she feels that if the City were to make a donation to the party committee that would be an improper use of funds. She stated that it is not the role of government, but she offered to personally donate \$10 for the party and she stated that if every other adult present this evening were to do the same that would total over \$300 in donations for the party. She stated that would prevent the need to use public funds for the party. She challenged everyone to donate at least \$10 to the party, if not more. She stated those donations would help to provide a good party for the graduating seniors.

Allison Thompson, no address given, stated that she is a student at Clearfield High School and she lives in Syracuse City. She stated she would like equality for both schools because she feels that currently the only school that gets any attention in Syracuse is Syracuse High School. She stated that she has attended a couple of City Council meetings recently and she has not heard any mention made of the great things that are happening at Clearfield High School. She stated that an equal donation to both schools for the graduation party would be remembered.

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

Councilmember Shingleton stated that if the City is donating the use of the Community Center to Clearfield High School at no cost that could be considered an equal donation to both schools. Recreation Director Robinson added that she will be donating her time as well so that there will be no cost incurred by the City. Councilmember Peterson asked if the cost to rent the building is actually \$400. Ms. Robinson stated that the cost is actually \$500 per gym per day, so the in-kind donation Clearfield High will be receiving is actually more than \$400. Councilmember Shingleton stated that he is comfortable with that donation and reiterated that he feels that both schools will be receiving an equal donation. He then asked if the City's budget can sustain a \$500 cash donation to Syracuse High School. Finance Manager Fowles approached the Council and stated that she is not aware of which account the donation would be expended from, but she would be able to provide an exact answer to Councilmember Shingleton's question tomorrow. Mr. Worthen added that the City currently has \$6,000 in donation account to be used for these types of activities. He stated there is \$1,000 reserved for the two high school parties. Mayor Nagle stated that Mayor Wood had recommended that each City donate \$1,000 to each school. She stated that before the Council determines the exact donation amount she would like to coordinate with Clearfield City because it is important to make sure that all the students in both communities know that each city values them. She stated that Mayor Wood suggested that the City contribute the same amount to both schools and Clearfield City will then mirror that donation. Councilmember Peterson stated he is also in favor of making an equal donation to both schools and he stated that he feels the in-kind donation to Clearfield High School is equal to the cash donation that the City plans to contribute to the Syracuse High School party.

Councilmember Kimmel stated that he does not understand why the Council feels they have the authority to take the tax payers dollars and donate them to certain people or entities whenever it is deemed necessary or valid. He stated that the money the Council is talking about donating to the schools is the people's money that has been taken from them through taxation. He stated that the decision to donate should be made by the people. He stated that it is not the property role of government to take money from the people and then give it to whomever the Council deems necessary. Mayor Nagle stated that is one person's opinion of the property role of government. She stated that every Councilmember always has the right and privilege to offer their opinion.

Ms. Panucci interjected that if the schools are doing their parties on different nights the City could offer the use of the Community Center to Syracuse High School as well. She stated that in-kind donation could take the place of a monetary donation. Chief Wallace stated that Syracuse High School is using their own gym and they have hired a school bus to transport students from their gym to the businesses in the City that they will be patronizing.

Mayor Nagle then asked for a motion. She suggested that the motion be that the City donate \$500 to each school and that the donation could be a monetary donation or an in-kind donation.

COUNCILMEMBER HAMMOND MADE A MOTION TO MAKE A MONETARY OR IN-KIND DONATION OF \$500 TO BOTH SYRACUSE HIGH SCHOOL AND CLEARFIELD HIGH SCHOOL GRADUATION PARTY COMMITTEES. COUNCILMEMBER PETERSON SECONDED THE MOTION.

Councilmember Shingleton stated that Syracuse High School could save money by using the Community Center because they would not need to hire a school bus to transport students. Councilmember Peterson stated that he is comfortable with the motion that has been made and he likes that the school will have the option of taking a monetary or in-kind donation.

Councilmember Kimmel stated that 'we' are a government for, of, and by the people and so, in essence, the Council does the business of the people and they should not be violating the laws and rights of the people. He stated that if the

Council chooses to take tax dollars from the people and select certain entities to make donations to, that is a direct violation of the constitution and it is not the proper role of government.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the graduation party donation request; she called for a vote. VOTING "AYE" – COUNCILMEMBERS HAMMOND, PETERSON, AND SHINGLETON. VOTING "NAY" – COUNCILMEMBER KIMMEL. Councilmember Clark was not present when this vote was taken.

10. Authorize Administration to execute Concessionaire Agreement with Lil' Claire's, LLC to operate concession stands at Founders and Bluff Ridge Parks.

Adam Reynolds, Manager of Lil' Claire's, LLC, approached the City seeking to locate concession stands at Founder's Park and Bluff Ridge Park during the summer months of 2010. Administrative Staff worked with the City Attorney to draft a Concessionaire Agreement to grant Mr. Reynolds' request. The agreement is very detailed and includes provisions regarding hours of operation, the amount the concessionaire agrees to pay the City, and the duties and responsibilities of the concessionaire. The agreement also dictates that the concessionaire must obtain any necessary permits from the County Health Department in order to conduct business. Staff recommends the Council authorize Administration to execute the Concessionaire Agreement contingent upon the concessionaire's ability to provide proof of all required permits as well as proof of insurance.

City Recorder Brown summarized the memo that she provided to each Councilmember regarding the proposed agreement. She explained this agreement is slightly different than the agreements the Council has authorized in the past; all the other agreements the City has executed with concessionaires have included a provision for the concessionaire to connect to the City's utilities at the parks. She explained that the Lil' Claire's concession stand will be a stand-alone stand and it will not be necessary for Mr. Reynolds to connect to the City's utilities; therefore, she and Mr. Waite have recommended a monthly lease rate of \$100 per month per park. She stated that Mr. Reynolds was comfortable with that rate.

COUNCILMEMBER HAMMOND MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE CONCESSIONAIRE AGREEMENT WITH LIL' CLAIRE'S, LLC TO OPERATE CONCESSION STANDS AT FOUNDERS AND BLUFF RIDGE PARKS. COUNCILMEMBER SHINGLETON SECONDED THE MOTION. Councilmember Clark was not present when this vote was taken.

Councilmember Kimmel asked if there is any provision in the City Code limiting the number of concessionaires that can be located in each park. Ms. Brown stated that there is currently no such provision and that is an issue that she and Mr. Waite have discussed. She stated there are currently two other concession stands at Founders Park; both are snow shacks and Mr. Reynolds will sell Italian ice. She stated there will be competition among the three vendors, but they each offer a different product. She stated that she conferred with the City Attorney and his recommendation is to leave the Code unchanged this summer and during the fall and winter months the Code can be amended to include a provision limiting the number of vendors or concessionaires that can locate at any City park. She stated each concessionaire has signed a four-year auto renew agreement and once the Code has been amended it would be necessary to terminate those agreements. She stated that the City Attorney recommended that once the agreements have been terminated the City should solicit bids from vendors wishing to locate in City parks. She stated the City could then select the highest or the two highest bidders to locate at any given City park.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed concessionaire agreement; she called for a vote. ALL COUNCILMEMBERS VOTED IN FAVOR OF THE MOTION. Councilmember Clark was not present when this vote was taken.

11. Proposed Ordinance 10-02 amending various sections of Title Ten of the Syracuse City Municipal Code pertaining to Land Use.

Staff has provided a proposal to the Governing Body to assist in the streamlining of various development processes included in the City's Land Use Code. Some of the major changes being proposed include:

- Defining "Adult Day Care, Home Occupations";
- Establishing reasonable accommodations (which means the City can make accommodations for persons with disabilities, e.g. wheel chair ramps);
- Eliminating stairs and ramps from the definition of a structure;
- Defining circumstances for when conditional use applications would need to be forwarded to the Planning Commission;

- Providing clear setback requirements on “Accessory Buildings” along with providing that such can be approved administratively;
- Clarifying how the 38% brick requirements will be calculated for new homes;
- Relisting land uses considered to be conditional uses;
- Creating a new chapter for Home Occupations and defining major and minor home occupations therein;
- Dictating that “Payday Lending/Check Cashing Services” are only allowed in industrial zones;
- Making grammatical changes to Chapter Four.

Staff recommends approval of the proposed revisions to Title Ten, Land Use Code.

GIS Technician Moyes reviewed the memo he provided to each Councilmember regarding the proposed Ordinance.

Councilmember Hammond asked if the percentage of brick to be used in the construction of a new home has changed. Mr. Moyes stated that it has not changed; rather the manner in which the percentage is calculated has changed.

Mr. Moyes then briefly reviewed the significant changes in each Chapter of Title 10. He stated that relative to sign approval, the only two types of signs that will require Planning Commission approval are monolithic and bench signs.

Councilmember Shingleton stated that Section 10-7-040 deals with home occupation standards and there is an exception regarding the number of employees that can work at the residence that states that one (1) additional person may be employed as a second adult for a daycare. . .where there are no more than five (5) family members actively engaged in the home occupation. He asked how Mr. Moyes arrived at the number five for the number of family members engaged in the business. Mr. Moyes stated that he reviewed other city codes and found the same practice was being used. He stated it simply means that if there are more than five family members working for the business that is party to the home occupation, no additional employees will be allowed to come to the home to do business.

Councilmember Kimmel stated that the staff memo regarding this ordinance includes a bulleted list of changes that were made to Title Ten. He stated that the second-to-last bullet highlights the proposed change that payday lending or check cashing service oriented businesses will only be permitted in the City’s industrial zones. Mr. Moyes stated that is correct and he explained that change is made in Chapter 23 of Title Ten. He stated this will keep payday lending services out of the City’s commercial developments. Councilmember Shingleton inquired as to the reason for doing that. Mr. Moyes stated that is a current development trend; cities are either restricting them to a certain area of the City or limiting the number of businesses of that type that can locate in the City. He added this was a recommendation of the Planning Commission. Councilmember Kimmel stated that it seems curious to him that it is the second-to-last bullet point in the staff memo, it is not included in the PowerPoint presentation made by Mr. Moyes, and Mr. Moyes would not have pointed out the change if Councilmember Kimmel had not raised the issue. He stated he would like full disclosure when an ordinance of this type is being presented to the Council so that it does not appear that any change to the City Code is being hidden. He stated that every other change being made to Title Ten was highlighted in Mr. Moyes’ PowerPoint presentation. Mayor Nagle stated that the proposed ordinance containing the change was included in each Councilmembers packet. Mr. Moyes added that it was simply an oversight; he was not trying to hide the proposed change. Councilmember Hammond added that he personally feels it is a good move to require that payday lenders only be allowed to locate their businesses in industrial locations because of the visibility and what happens with those types of businesses. Councilmember Kimmel stated that he knows a gentleman who owns payday lending establishments and he charges similar rates and fees that people may be charged by their bank for overdraft fees, fraud fees, etc. He stated there is a stigma, and rightly so, about payday lenders because there are some establishments that will charge outrageous rates and fees for their loans, but obtaining a loan from such an establishment is a personal decision that is the right of any adult. He stated that he has concerns about forcing such establishments to the ‘nether regions’ of the City. Mayor Nagle stated that one of the City’s industrial zones abuts a commercial zone that is home to the Pizza Factory. She stated she would hardly refer to that area as the ‘nether regions’ of the City. She stated that what this change does is preserve the City’s commercial developments for uses that the City will gain tax dollars from. She stated that this ordinance does not say that payday lending businesses are not allowed in the City, but they will only be allowed in distinct areas in order to preserve commercial options in the City. Councilmember Kimmel stated that a payday lender is a commercial business. Mayor Nagle stated that may be true, but the tax base provided by payday lenders is not significant. Councilmember Kimmel stated that means that the City is showing preferential treatment to a higher tax revenue generating company. He stated that what the City is doing is discriminatory. Mayor Nagle asked how this situation is any different than dictating where professional office space can be located in the City. Councilmember Kimmel stated that he would have an issue with that situation as well. Mayor Nagle argued that creating zones in the City and declaring what types of businesses can locate in those zones makes for smart planning of the City. She stated it is up to the City to plan itself. Mr. Worthen added that every community is responsible to plan for its future development and zoning is a tool used to implement a city’s general plan. He stated that various uses are only allowed in certain zones in the City. Mayor Nagle stated that includes businesses that sell alcohol and sexually oriented businesses. She stated that Councilmember Kimmel recused himself from a

recent vote regarding alcohol sales. Councilmember Kimmel stated that he believes those issues are moral issues and moral issues are related to community standards. Mayor Nagle asked Councilmember Kimmel if it is the role of government to police moral issues, to which Councilmember Kimmel answered yes. He stated that moral issues should be left up to the community to decide upon. He stated that is why there are different levels of government. Mayor Nagle asked Councilmember Kimmel if he would listen to 10 residents if they came to Council meeting and said they wanted the construction of a sexually oriented business to be allowed in the downtown commercial development of the City. Councilmember Kimmel stated that those 10 people would need to refer that issue to the voters and get the voters to approve it. He stated that if the referendum passed and he were opposed to it, he would have the option of moving out of the City. Councilmember Peterson pointed out that Councilmember Kimmel said that there was a stereotype associated with payday lenders; therefore the argument could be made that the decision to allow such a business to build anywhere in the City would be a moral issue. Councilmember Kimmel stated that he did not say that the stereotype was an accurate one.

COUNCILMEMBER HAMMOND MADE A MOTION TO ADOPT PROPOSED ORDINANCE 10-02 AMENDING VARIOUS SECTIONS OF TITLE TEN OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO LAND USE. COUNCILMEMBER PETERSON SECONDED THE MOTION; THE FOLLOWING VOTE WAS TAKEN: VOTING "AYE" – COUNCILMEMBERS HAMMOND, PETERSON, AND SHINGLETON. VOTING "NAY" – COUNCILMEMBER KIMMEL. Councilmember Clark was not present when this vote was taken.

12. Authorize Administration to execute Fiscal Year (FY) 2010-2011 employee benefits contracts.

The City has completed the process of obtaining health insurance renewal quotes for the 2010-2011 fiscal year. Staff reviewed multiple benefits options, including other providers with the City's benefits broker. Assuming that the City does not make changes to insurance administrators (Select Health medical) or to plan coverage levels, the City was initially quoted an 11.9% increase in medical insurance premiums. Multiple options were reviewed in an effort to reduce this increase. Ultimately, the City was able to obtain a small reduction in the proposed increase amount, which is below the industry average increase.

In response to the proposed increase, the City requested re-evaluation from the provider and considered alternative coverage options. The City did agree to a slightly higher co-payment amount, by doing so; the city received a rate of 9%. This percentage is the proposed final cost increase. The increase in medical benefits was a result of above average use of the medical insurance plan benefits. Specifically, within the medical insurance plans, the City experiences above average use of Emergency Room services, Inpatient and Outpatient Hospital services, and Primary Care Provider (PCP) services.

Regarding dental coverage the City realizes a 2.3% decrease in dental insurance premiums. However, we are changing the provider. The City is proposing to change to Select Health dental which provides the same coverage and improved accessibility but at a decreased cost from the previous dental plan.

The City Administrator desires to keep City employees "whole" as it relates to this benefit increase. Therefore, he is proposing the cost difference be paid by the City in this year's tentative budget. The combined medical increase and dental decrease in costs is approximately \$67,505.00. The contract documents are a "mirror" of previous year's but will not be available until June which is after the tentative budget has been presented.

The City Administrator requested authorization to execute the Fiscal Year employee benefits contracts from Select-Health and Select Health Dental.

Mr. Worthen reviewed the staff memo regarding this item, which was presented to each Councilmember and the Mayor prior to the meeting.

COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE FISCAL YEAR (FY) 2010-2011 EMPLOYEE BENEFITS CONTRACTS. COUNCILMEMBER HAMMOND SECONDED THE MOTION.

Councilmember Peterson stated that during tonight's work session Councilmember Kimmel told the Council about an insurance vendor he met at the Utah League of Cities and Towns (ULCT) conference who told him that he could possibly save the City some insurance costs. Councilmember Kimmel stated that vendor provided property insurance rather than medical and dental insurance.

Mr. Worthen then stated that the City contracts with a broker that obtains prices from several different insurance companies. Councilmember Shingleton asked if the City is using the same broker as was used last year. Mr. Worthen answered yes and explained that their agreement expires this year and the City will solicit new bids from interested brokers. Councilmember Shingleton stated that in his private profession he is a salesman and salesmen usually try to sell the product to their customers that will bring them the highest commission. He stated that causes him some concerns when discussing the City's use of an insurance broker. He stated he believes it could be possible to save tens of thousands of dollars. Mr. Worthen stated that is why the City uses a brokerage firm that solicits prices from a number of insurance vendors. He stated

that in this case SelectHealth was the low bidder that matched the needs of the City. He reiterated that the City is committed to use the same broker through the end of 2010.

Councilmember Kimmel thanked Mr. Worthen for doing the work necessary to save the City money on insurance benefits. He stated it appears that the City will be saving approximately \$67,500. Mr. Worthen stated that is actually the amount that the insurance benefits costs will be increased by. He stated the original increase amount was closer to \$90,000, but after some negotiations that amount was decreased to the amount included in the staff memo.

Councilmember Hammond stated that he certainly agrees that the City needs good benefits, but he feels that there is more that can be done to reduce benefits costs in the way of implementing a wellness program. He stated that he raised this issue last year; the City of Pleasant Grove has implemented a successful wellness program and their insurance costs have decreased. He stated he felt the same would be true in Syracuse City. Councilmember Shingleton stated he agrees with that recommendation; he has read several articles regarding wellness programs and those articles indicate that those that participate in wellness programs visit doctors and emergency rooms less frequently. Mr. Worthen stated that the City has offered a wellness program to employees in the past, but that program was eliminated due to budgetary constraints. Mayor Nagle stated that she is very much in favor of implementing a wellness program, but one thing that the Council needs to be aware of is that wellness programs are usually managed by a Human Resources Department. She stated the Council needs to consider who will manage a wellness program before implementing one. She added that she is aware that the new Finance Manager, Amber Fowles, has some experience in this area; Ms. Fowles was previously employed by Roy City and she found that the employees there were not taking advantage of the cafeteria plan offered by that city. She stated that Ms. Fowles took it upon herself to educate employees regarding the use of the cafeteria plan and she increased utilization of the plan by 80 percent. She stated that saved the City and the employees money. Ms. Fowles stated that she would love to manage a wellness program for the City. She added that some insurance brokers offer wellness programs for their customers. Mayor Nagle stated that she is very hopeful that the City can utilize Ms. Fowles' skills in that area.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed concessionaire agreement; she called for a vote. ALL COUNCILMEMBERS VOTED IN FAVOR OF THE MOTION. Councilmember Clark was not present when this vote was taken.

12. Department Report – Recreation Department.

Mayor Nagle thanked Ms. Robinson for staying until such a late hour in order to provide her report to the Council. Ms. Robinson approached the Council and stated that she is grateful for this opportunity. She then commented that she would be more than happy to assist Ms. Fowles in organizing and managing a wellness program for the City employees. She then began her report by stating that everyone knows about the mundane things that happen day-to-day at the Community Center, but she wanted to provide the Council with some detailed information that they may not be aware of. She provided each member of the Governing Body with a packet of information; the first page of the packet included the participation numbers for the youth sports programs offered by the City. She stated that the City's numbers are nearly double the participation numbers in Clearfield and they are slightly higher than the numbers in Clinton. Councilmember Peterson asked if there are a lot of non-residents that participate in the sports programs in Syracuse City. Ms. Robinson stated that there are quite a few non-residents participating that live on the border of Syracuse City and Clearfield and Layton cities. She stated that several West Point residents used to participate in Syracuse City's programs, but they have since developed their own recreation program. Mayor Nagle asked if the non-residents are charged a higher participation fee, to which Ms. Robinson answered yes and she explained that non-residents pay \$15 more than residents. She then reviewed the participation numbers for the City's adult and senior programs. Councilmember Peterson stated that he has heard Ms. Robinson mentioning the possible implementation of young children program and he asked for information about that. Ms. Robinson stated the City currently offers some programs, via contract employees, to children between the ages of three to five, such as tumbling. She stated that she would like to increase the programs offered to children in that age group.

Ms. Robinson then explained that this time of the year is the busiest time for her and her staff. She stated they are in the midst of planning the City's Heritage Days celebration and she reviewed the schedule of events. She added that the Homestead Values magazine has agreed to donate a half-page of advertising space for Heritage Days. She stated she is looking for funding to increase that space to a full page so that more information about the events can be provided to the public. She stated that the Heritage Days schedule of events will also be included on the Recreation Department's website, www.syracuserecreation.com. She stated there is a link to that page from the City's website. She stated that she is very excited about Heritage Days this year and she is pleased with the fact that the Syracuse Business Organization Strategic Support (SBOSS) group has offered to be involved in raising funding for certain events. She then stated that this year she plans to offer something that has not been offered in the past. She stated that a lot of people have commented that they attend the Clinton City celebration as opposed to the Syracuse City celebration because Clinton City offers a carnival. She stated that she will offer a carnival this year in hopes that the money raised by the carnival could help to offset the cost associated

with the fireworks show. She stated the City previously believed that a local business, Intermountain Health Care (IHC) was going to donate the full amount needed to fund the fireworks display, but they have since told her that they will not be able to donate as much money as they originally planned to. Councilmember Kimmel asked if the revenue generated by the carnival ticket sales will be sufficient to cover the cost paid to host the carnival. Mayor Nagle stated that the carnival will not cost the City anything. Ms. Robinson stated that is correct. She added that she hopes to earn a minimum of \$2,000 from carnival ticket sales. Councilmember Kimmel stated he feels that the carnival is a good idea. Ms. Robinson stated that carnivals usually like to sell their own food and beverages, but she was concerned about allowing that because she does not want the carnival to compete with the other vendors that rent booth space during Heritage Days. She stated the carnival has agreed to only bring their rides and not their food vending stands to the celebration. She then added that the Arts Council is planning to produce a concert in the park prior to the fireworks display.

Councilmember Shingleton asked how much money IHC has committed to donate. Ms. Robinson stated that they told her that at this point they can not commit to an exact dollar amount. She then reviewed the donation request letter that she will be sending to each business in the City. She stated that the structure of the letter is different than in the past.

Mayor Nagle stated that she wanted to thank Ms. Robinson. She stated that Ms. Robinson was given some real challenges during the recent Council/Administration retreat and she has risen to those challenges. Ms. Robinson stated that her staff deserves the thanks as well.

Councilmember Shingleton asked who will be sponsoring the breakfast in the park. Ms. Robinson stated that SBOSS will sponsor the breakfast and all money raised at that event will be donated to the Unlimited Play park to construct a splash pad. She added that another new event will be the ice cream social, which will be held in conjunction with the movie in the park. She stated that all proceeds generated by that event will also benefit the Unlimited Play park. She stated that from 5:00 to 7:00 p.m. she would like to show a movie suitable for young children, and after dusk she plans to show *The Blindside*.

Councilmember Shingleton asked if there will be vendor booths at the children's parade. Ms. Robinson answered yes and explained that this year's theme is "The Circus" so there will be a lot of circus related activities available for kids to participate in. Councilmember Shingleton told Ms. Robinson to get in touch with him because he may be able to get the hot dogs donated for the children's parade.

13. Councilmember Reports

Councilmember Shingleton stated that one of the things he is very passionate about is business development, because business development gives the City better exposure. He stated that advertising things like the Heritage Days events in the Hometown Values magazine is a big deal because that publication is delivered to residents in every city around Syracuse City. He added that Mr. Moyes has done a great job supporting the creation of SBOSS and he asked Mr. Moyes to give a brief overview of what SBOSS is currently doing. Mr. Moyes stated that SBOSS recently obtained their 501C6 status, which is a big step for them. He stated that they will hold a business kickoff summit on May 27 and he is trying to get as many businesses as possible to commit to attending the event. He stated that the fee for a business to join SBOSS is \$100 per year. Councilmember Shingleton reported that SBOSS will be sponsoring so many City events and then donating funds raised to great projects taking place in the City. He stated that every business he has spoken to sees it is a unification of the City; businesses that have been located in Syracuse City for 25 to 30 years are very excited to see the creation of SBOSS come to fruition. He stated there are a lot of things Mr. Moyes has been working on and he has done a great job. He stated that the SBOSS website is up and running and it will be a great tool for the businesses and residents of the City. Mr. Moyes stated there are still some pages of the website that are not fully functioning, but the website has been created. He added that SBOSS will continue to promote themselves in numerous ways.

Councilmember Hammond stated that he wanted to thank Ms. Robinson for her report. He stated that he feels she is doing a great job and that this year's Heritage Days celebration will be bigger and better than ever before. He added that he thinks SBOSS is a great organization and he is excited to see it coming together. He then stated that he was assigned, during the Council/Administration retreat, to oversee the committee created to further community and citizen involvement. He stated that group has been working on ways to re-introduce a monthly paper newsletter to each household in the City. He stated that process is moving ahead one step at a time and he hopes that the first paper newsletter can be delivered in June. Councilmember Shingleton added that SBOSS has offered to pay for the printing and mailing of the June newsletter. Councilmember Hammond stated that is wonderful.

Councilmember Peterson reported that during the Council/Administration retreat he was assigned to oversee the committee dealing with City infrastructure. He stated members of that committee include Public Works Director Mike Waite, Building Official Jason VanAusdal, and Planning Commission Chair Robert Whiteley. He stated that they all had some great ideas, goals, and plans for improving City infrastructure. He reported that in the area of service life for roads, parks, and utilities Mr. Waite has projected the service needs of the City through 2019. He stated that the goal associated

with those projections was to make sure that infrastructure projects that go hand in hand with each other will be properly coordinated. He added that Mr. Waite would like for the City budget to be tied to his projections and plans. He then stated that in the area of building maintenance the committee felt that more attention needs to be paid to general maintenance. He stated the City currently employs a part-time janitor that is responsible to clean City Hall and the Police Station, but they would like for the City to hire an additional employee that would file requests for building maintenance throughout the City. He added that they discussed reducing vacant space in City buildings and they had the idea of possibly renting or leasing building space in City Hall, possibly to a business that could offer some service to the City in trade for the space they are using. He stated he felt that was a forward thinking idea. He stated there was discussion about getting better use out of the Community Center classrooms and maximizing the use of parks and open space in the City. He stated all committee members were very excited and willing to assist in the push to see the Unlimited Play park developed in the City. He added that they would like to evaluate the Community Garden after this year to see what improvements can be made there. He stated that Mr. Waite suggested that the City create a standard lease agreement that can be used for any person or entity seeking to lease City land; there are currently a couple of farmers leasing City owned land and it would be helpful to have an agreement to be used for future farmers interested in the same opportunity. He stated that one idea that was raised at the retreat was possibly hosting a demolition derby in conjunction with the Heritage Days celebration. He stated that the committee was willing to determine whether any open space is available for that type of activity. He added that Mr. Waite feels it is necessary that the City increase seasonal employee staffing levels and he provided a proposed organization chart for the employees assigned to the Parks Division of the City. He stated that Mr. Waite and Mr. VanAusdal both discussed the mosquito problem at Jensen Nature Park and commented that issue needs to be addressed as development of future phases of the park progresses. He stated they also had the idea of developing an archery or rifle range in the City. He added that the committee was assigned to address lighting issues in the City and Mr. Waite committed, within the next year, to develop a document that will highlight how the street lighting fee charged to City residents is being spent. He closed by stating that the committee is also very interested in seeing-through the rewrite of Title Eight in the City Code.

Councilmember Kimmel stated that he wanted to echo what Councilmember Hammond said about Ms. Robinson and what Councilmember Shingleton said about Mr. Moyes. He stated that he feels Heritage Days will be a huge success this year and he is pleased with the involvement of SBOSS and the local businesses in the City. He then stated he had a couple of other topics he wanted to discuss. He stated that in a past Council training there was discussion about whether citizens speaking during the public comments portion of the meeting should have the ability to address the Council for a period of time longer than three minutes. He stated that the question was raised as to whether a citizen can 'borrow' another citizen's three minutes from them in order to have a longer period of time to address the Council. He stated he would like to see the Council consider a resolution dealing with policies governing public comments in order to determine whether citizens can 'borrow' time from one another. He stated in the past, prior to his election to the City Council, he attended a Council meeting and asked that he be given permission to 'borrow' time from someone in the audience and that request was granted. He stated he sees some inconsistency and that is troubling to him. He then stated that earlier in the meeting the Council received a report from Lurlen Knight regarding the NDSD operations. He stated that Mr. Knight's comments were disturbing and they only proved to him that Mr. Knight does not have the best interest of the City at heart; rather the interest of one person, himself, are important to him. He stated he now feels much better about researching State Code to determine if the City is doing the correct thing by allowing Mr. Knight to continue to serve as the City's representative on the NDSD Board and he looks forwards to receiving an opinion from the City Attorney. He then stated that the last thing he wished to discuss is the earlier action taken by the Council to donate City funds to the high school graduation parties. He stated that issue may not seem like a 'big deal' to most people present because the amount of money being donated is nominal. He stated that the idea to provide a safe place for graduates to celebrate and be with their friends is a phenomenal one and it is commendable that the Police and Recreation Departments have agreed to donate their time for the events, but he still feels that private donations could have easily covered the cost of the parties. He stated that the students could be educated on networking and working to earn and save guard funds; instead they have asked for tax dollars paid by everyone in the City to benefit only a few residents. He stated the question he must ask is what would happen if he did not want his tax dollars to be used to pay for a high school party. He stated that is freedom of choice on this issue was taken from him by four Councilmembers and his donation was forced. He stated, in fact, that it was not a donation at all, but a plundering. He reiterated that the idea to hold the graduation party is phenomenal, but the money for the event could have been raised privately.

Mayor Nagle then asked Councilmember Kimmel if he wished to provide a follow-up report to the assignments he received during the Council/Administration retreat. Councilmember Kimmel stated that he could not give a report on his retreat assignments at this time.

14. Mayor Report

Mayor Nagle stated that the assignment she received during the Council/Administration retreat was to oversee the committee responsible for streamlining government. She stated she has been so excited to see some of the outcomes from the retreat; Councilmember Hammond has been instrumental, along with his committee, in renewing the practice of sending a paper newsletter to every household in the City; Councilmember Peterson has done much work with his committee to address the infrastructure needs of the City. She stated that one of the major projects that her committee talked about relative to streamlining government was streamlining sections of the City Code by determining which actions needed to be considered by the Planning Commission and City Council and which actions could be handled administratively. She stated that the City can stop wasting the time of residents and developers by requiring that certain applications they submit be approved by the Planning Commission or City Council. She stated that Mr. Moyes has done a great job of working with the Planning Commission to try to accomplish this task. She added that her committee addressed issues relating the business license approval process as well as the need for consistent departmental policies. She explained that each Department has been asked to draft their own policies within six months. She stated that the section of the City Code dealing with code enforcement is being rewritten and she asked Ms. Brown for a status report on that task. Ms. Brown reported that the draft copy of the rewrite has been delivered to the City Attorney's office for review and it should be available for a first reading during one of the May City Council meetings. Mayor Nagle then stated there was much discussion about transitioning to "E-Government" as much as possible, meaning that she would like to provide electronic options for as many City services as possible. She added that she has asked Mr. Worthen to ensure that the City's website is rewritten and updated by June 15, 2010. Ms. Robinson added that she found that the City has the option of providing online sports program registration options to the public; the service will cost the City approximately \$280 per year. Mayor Nagle stated that is great and is one example of the things that her committee is working on. She added that the major task for the committee and the City as a whole is re-codification of the City Code. She stated that Ms. Brown has requested funding in her budget to provide for that to be done and she is excited to move forward. She then stated that she wanted to briefly make a comment regarding some recent phone calls and emails she has received. She stated that when a citizen has called or emailed her to make a complaint or comment about the City, most have later followed up with comments regarding how well they were treated by City staff and how professional the staff members they dealt with behaved. She stated those types of comments speak to the quality of the employees working for the City. She stated she is very happy that the City has such dedicated employees; she stated that she often makes this same comment, but she wants to help the citizens realize the caliber of employees working for the City. She stated that she is very proud of the City employees and the Department Heads that truly do a great job.

15. City Administrator Report

Mr. Worthen stated that he agrees wholeheartedly with Mayor Nagle's statement regarding the City employees and Department Heads. He stated that the City has a great employee pool and there is a new addition to that group. He stated that Ms. Fowles recently began working for the City as the Finance Manager and she has already identified many issues that the City needs to address relative to finances. He then reported that Information Technologies Director Peace is working to rewrite the website and he will ask him to attend a future meeting to provide the Council with a status report on that project. He stated that garden plots are available at the community garden, but they are not selling as quickly as he had hoped they would. He stated the cost per plot is \$15 and each plot is 20 feet by 20 feet in size. He then reported that he will be attending a TRANSCOM meeting tomorrow and one of the topics to be discussed is potential funding options for the State Road (SR) 193 project. He stated that Mayor Nagle has been instrumental in keeping that issue on the forefront. He stated the project is very important to the City and the community at large as it provides another route for motorists to get in and out of the City. He stated it will also provide for greater economic development in the community.

Mayor Nagle stated that she wanted to add that she spoke with the Utah Department of Transportation (UDOT) yesterday and they are still projecting a completion date for the Antelope Drive road widening project of June 30. She stated there will still be some construction equipment and barrels present on that date, but they anticipate that all lanes will be open and accessible at that time.

At 10:00 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Clark was not present when this vote was taken.

City Council Meeting
April 27, 2010

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: May 11, 2010