

Minutes of the Work Session meeting of the Syracuse City Council held on March 9, 2010, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

Councilmember Shingleton was excused from the meeting.

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

City Employees Present:
IT Director TJ Peace
City Engineer Rick Hansen
GIS Technician Troy Moyes

The purpose of the Work Session was for the Governing Body to receive a report from Councilmember Clark regarding his attendance at the Wasatch Integrated Waste Management District (WIWMD) Board retreat, review recommendations for addressing findings identified in the FY 2008-2009 audit, review the draft City Council/Administration retreat agenda, and discuss Council Business.

Calendar

Councilmember Clark reported that there will be caucus meetings in Davis County on March 23 and he asked if the Council wanted to consider altering their meeting schedule for that evening in order to provide everyone the opportunity to attend their caucus meeting. After a short discussion the Council decided to begin their March 23 work session at 5:30 p.m. and their regular meeting at 6:15 p.m. in order to adjourn by 6:30 p.m.

Claim Statement

Mayor Nagle stated that she noticed a charge for service for the elevator at the Community Center. She stated that she did not know that there was an elevator at the Community Center. City Administrator Worthen explained that the elevator was needed to meet American with Disabilities Act (ADA) requirements.

Mayor Nagle stated that page six of the statement includes charges to account 10-63-13 for unemployment benefits for parks employees. She inquired as to the purpose of those payments. Mr. Worthen explained that some of the employees are seasonal parks employees. Mayor Nagle stated that she did not think the City was required to provide unemployment benefits to seasonal employees. Mr. Worthen stated he can research the issue. Councilmember Kimmel asked if the City is making monthly unemployment payments, to which Mr. Worthen answered yes.

Councilmember Kimmel stated page one of the report includes charges paid to Barnes Bank from account 10-22-31. He asked if those charges will eventually be identified as charges paid to Zion's Bank. Mr. Worthen stated that there were still some outstanding credit card charges made through Barnes Bank.

Councilmember Kimmel stated page one of the report includes payments made to USA Karate for karate lessons. He asked if there is a list of all recreational opportunities on the City's website, to which Mr. Worthen answered yes. Councilmember Peterson stated that he has asked Recreation Director Kresta Robinson to present information to the Council regarding what programs she currently offers and what programs she would like to offer in the future.

Councilmember Hammond stated page one of the report also includes a payment made to a Zumba class instructor and he asked if that fee is paid to the instructor on a monthly basis. Councilmember Peterson explained that the City charges people to attend the classes and then they pay a monthly fee to the instructor that teaches the class. He stated the class and other classes offered at the Center have been very popular.

Mayor Nagle stated that the statement includes some charges to account 10-22-40, which is the Youth Court Trust. She explained that she talked to the Youth Court Advisor who told her that they had to refund some fees to some members of the Youth Court because they have been overcharging in the past. She stated the situation has put the Youth Court budget in a very precarious situation and the Youth Court Advisor asked if the City can somehow help resolve the situation by adding approximately \$200 to their budget. She stated she feels that the Youth Court is a good program and she was in favor of helping them solve this problem. Mr. Worthen agreed. Councilmember Kimmel asked which member of the City Council is

the liaison to the Youth Court. Councilmember Hammond stated that he was recently assigned to be the liaison, but the assignment may prove to be very difficult for him due to some time constraints. Councilmember Kimmel stated that he would like to see a cost benefit analysis before approving the budget increase. Mayor Nagle stated it would probably cost more to complete a cost benefit analysis than it would to simply provide the Youth Court with an additional \$200 in funding. Councilmember Hammond stated that Youth Court is a very good program and anyone that has participated in it in the past would say the same thing. Councilmember Clark stated he has no problem with increasing the budget for the Youth Court by \$200. Councilmembers Hammond and Peterson concurred.

Councilmember Kimmel stated that page four of the statement includes four withdrawals from account 10-53-23 for petty cash. He asked if the City has any rules in place governing petty cash use. Mr. Worthen explained that petty cash is typically used to pay for small expenditures. Councilmember Clark stated petty cash is available for purchase of small items to prevent the need to cut a check. Councilmember Kimmel asked if there is a maximum dollar amount rule for petty cash expenditures. Mr. Worthen stated he did not believe that such rules are in place.

Councilmember Kimmel stated that page nine includes charges to 50-40-23 for education and training per diem and he inquired as to the per diem rules. Councilmember Clark stated that the per diem rates are actually pretty low. Councilmember Kimmel asked that a copy of the per diem rates and the policy be emailed to him. Mayor Nagle stated she has discussed per diem rules with Mr. Worthen. She has asked that the City create a form that someone must submit when attending training; the employee will be required to attach a copy of their training registration form so that they supervisor can determine if any meals are included in the cost of the training. City Recorder Brown stated that the City currently has a travel expense form that could simply be amended to include the changes being recommended by Mayor Nagle. Mayor Nagle then stated that the City has currently dictated that employees will only be allowed to attend training classes if the training is required to maintain a current certification. Councilmember Clark stated that stipulation could be added to the training form as well. Councilmember Kimmel asked if the City could require employees to share hotel rooms when traveling for training purposes. Mayor Nagle stated she did not think the City could require people to share rooms for liability reasons, but people could be encouraged to share a hotel room.

Report from Councilmember Clark regarding his attendance at the WIWMD Board retreat

Councilmember Clark reported that the WIWMD retreat was great and there are a couple of things that he wanted to make the Council aware of. He stated that there are two basic aspects of the WIWMD; energy recovery and the landfill. He stated both aspects are managed by different people and they are considered to be separate entities. He explained that 75 percent of all residential waste is transferred to the energy recovery facility; the only garbage not sent to the energy recovery facility is the garbage that is collected on Wednesdays, which is diverted to the landfill. He explained that the amount of steam purchased by Hill Air Force Base (HAFB) from the energy recovery facility is dependent on the cost of natural gas; if natural gas costs increase, HAFB will buy more steam than they are required to based on their contract with the WIWMD, but if gas costs decrease, HAFB only buys the minimum amount of steam required by their contract. He stated that selling steam increases revenue for the WIWMD, which in turn keeps waste collections costs low. He stated that diverting waste to the energy recovery facility to be burned for steam also extends the life of the landfill. He explained the current estimate is that the landfill will reach the end of its life within 15 years and it will be necessary to find another landfill site, but the WIWMD is currently working to build a second energy recovery facility on HAFB property, which could actually extend the life of the landfill by 25 more years. He stated that is very important because there is currently no potential site identified for a new landfill and it would become necessary to transport garbage out of the county at an increased cost, which would ultimately double waste collection rates. He stated that the WIWMD was involved with the Northern Utah Regional Landfill Association (NURLA) when it was still intact and their goal was to identify a location in Box Elder County for a new landfill. He stated that NURLA has since disbanded and the likelihood of securing landfill space in Box Elder County is no longer high. He stated there was legislation passed to prohibit landfill construction within 50 miles of an aquifer to prevent water contamination, meaning that the formerly identified Box Elder County landfill site would not be permitted. He stated the bottom line is that there are things the WIWMD is doing to extend the life of the current landfill, such as energy recovery and green waste recycling.

Councilmember Peterson stated there has been mention of putting extra steam into the 'grid' via Chevron and he asked what Chevron will use the steam for. Councilmember Clark explained they will run it through generators to generate more electricity, which can then be sold to other entities.

Councilmember Peterson asked if residents are encouraged to deliver their waste to the burn plant or to the landfill. Councilmember Clark stated that residents can deliver their waste to either site, but if they have things that they want burned, they should take them to the burn plant.

Mr. Worthen asked why the staff at the landfill asks people where they are from when they are delivering waste. Councilmember Clark stated that non-Davis County residents are charged a higher rate to dump their waste at the landfill.

Councilmember Hammond asked for some information about the Bountiful landfill site. Councilmember Clark stated that Bountiful has their own landfill that is not related to the WIWMD. He added that they have also opened a green waste recycling site.

Councilmember Peterson asked if residents are allowed to tour the burn plant, to which Councilmember Clark answered yes and explained that they have a tour schedule that residents can follow.

Councilmember Peterson asked when the Council will further discuss the potential of implementing a green waste recycling program in the City. Mayor Nagle stated that the City has plans to conduct a survey of the residents regarding the green waste recycling program proposal. Councilmember Clark stated that he has asked for a copy of the survey used by Fruit Heights when they implemented their program, but he has not yet received it.

Review recommendations for addressing findings identified in the FY 2008-2009 audit

Mr. Worthen explained there were two audit findings included in the recently completed audit that were of concern to the City Council. He stated that one audit finding dealt with the review of journal entries, which was being done by the Finance Director. He stated that the reason that finding was included in the audit was that the auditor was concerned that the person reviewing the journal entries was also responsible for making the journal entries. He explained that the auditor recommended that the City have an additional person review and approve journal entries with a documented form of approval. He explained that he has since spoken with the auditor and worked with Councilmember Clark to receive clarification on what exactly needs to be done to address the finding. He stated he has asked the City's Information Technologies (IT) Director, TJ Peace, to create reports including journal entries for one month at a time. He stated that he believed that the Utility Billing Supervisor, Janice Lansing, could review the journal entry report with some training regarding what exactly needs to be done. He stated, however, that he now has some concerns about asking Ms. Lansing to review the journal entries because she has the ability to make journal entries for cash, which opens the door for misappropriation of funds. He stated he plans to assign the task to one of the employees working in the Contract Postal Unit (CPU) in City Hall. He stated he has confirmed with the auditor that this new process will resolve the finding. Mr. Worthen then explained that the second finding deals with reconciling the City's bank statement. He explained that the auditor recommended that an individual independent of the payables and disbursements transactions review cancelled checks on the City's bank statements and document their findings and inquiries. He explained that he has asked the same CPU employee that will be handling finding number one to handle this issue as well. He stated it will be necessary to provide a small amount of training in this area as well, but once the employee is trained to do this function it should not create too great a burden on them.

Mayor Nagle asked Councilmember Clark if he is comfortable with the solutions being recommended to address the audit findings, to which Councilmember Clark answered yes. Mr. Worthen then added that it will be much easier to reconcile the Zion's Bank statements than it was to reconcile the Barnes Bank statement. He stated the City's auditor was thrilled that the City has chosen to do business with a different bank. He added that Zion's Bank offers a program called positive pay whereby the City will create a general ledger report including all checks cut by the City and the file can be sent to Zion's Bank so that they will know the number of checks cut by the City and what day those checks were cut and the amount of the check. He stated this will prevent fraudulent check writing; if Zion's Bank receives a check that is in conflict with the file sent to them by the City they will notify the City. He stated this process will improve the day to day finance management of the City. Councilmember Clark agreed that positive pay will be very beneficial to the City. He reiterated that he is comfortable with the solutions being recommended by Mr. Worthen.

Mayor Nagle thanked Councilmember Clark for his assistance in addressing the audit findings. She stated that resolving significant deficiencies is a good first step. Mr. Worthen agreed and stated that he had some good discussions with the City's auditor about the findings. He then stated that he no longer feels it is necessary to hire a temporary employee while the City is in the process of trying to hire a Finance Manager. Councilmember Peterson inquired as to the timeline for hiring an employee to fill that position. Mr. Worthen explained that the job opening closes on March 17. Mayor Nagle stated that the City has only received six applications for the position and he has asked that Mr. Worthen follow up with Human Resources Specialist Fowler to ensure that the job has been posted at Workforce Services.

Review draft City Council/Administration retreat agenda

Mayor Nagle stated that she sent an email to the Council introducing the gentleman that she has asked to facilitate the meetings to be held on the first day of the retreat. She stated that the facilitator's name is Ron Vandermyde and he has also sent an email to the Council regarding his manner of facilitation. She explained Mr. Vandermyde has asked her what

outcomes she would like to see at the conclusion of the retreat. She explained that she has two goals for the retreat; one is to develop a strategic plan that has a one year focus, a five year focus, and a 10 year focus, all of which can provide the direction that the City should be going in. She stated that the second goal is to identify five areas of critical concern in the City and each Councilmember can be assigned to work on one of those critical concerns. She stated that the feedback she has received regarding past retreats has been that there have never been real clear takeaways from the meeting.

Councilmember Clark asked which staff members are being invited to attend the retreat. Mayor Nagle explained that all Department Heads will be in attendance as well as Planning Commission Chair Robert Whiteley. She added that she has also asked the chair of each of her SWOT (strengths, weaknesses, opportunities, and threats) teams to attend during a morning session on the first day of the retreat. She stated they will provide a brief presentation regarding the findings of their teams.

Councilmember Hammond stated that he noticed from Mr. Vandermyde's email that he is very business oriented and he did not see that he had much background in working with government entities. Mayor Nagle stated that the opposite is actually true; Mr. Vandermyde has done most of his work in the public sector. She stated she feels the City is lucky that he has agreed to come and facilitate the meeting. Councilmember Peterson asked if the City is paying Mr. Vandermyde to attend, to which Mayor Nagle answered yes and explained that he will be charging the City half the price that the City was planning to pay a mediator to work with the group on communications. She stated she felt the value that the City will get from Mr. Vandermyde will be very beneficial to the City. Councilmember Kimmel inquired as to how much the City will pay Mr. Vandermyde. Mayor Nagle stated that he will be charging a fee of \$900. Councilmember Clark stated that is an excellent rate. Councilmember Hammond stated that the price listed on Mr. Vandermyde is much higher than that. Mayor Nagle stated that she is excited about the retreat and she hoped that everyone would give serious thought about what Mr. Vandermyde has asked them to bring to the table. He stated that if people come to the meeting well equipped it will be much easier to 'dive in' and begin working through the issues of the City.

Council business.

No Child Left Out Park: Mayor Nagle stated that Tara Bennett is present this evening and she asked if any Councilmembers have any questions about regular agenda meeting item five, which is an agreement regarding the No Child Left Out park.

Councilmember Kimmel stated that he understands that the grant that Unlimited Play is seeking is a Housing and Urban Development (HUD) Economic Development Initiative (EDI) grant, which is funded by the Department of Transportation (DOT), which falls under the executive branch of the federal government. He asked if those departments are required to spend their entire budget to prevent losing it. He provided an example as follows: if congress does not spend all the money they have been appropriated, it will be forfeited to the executive branch of the government and the President can then spend the money however he deems necessary. He asked if the DOT is required to spend all of the money appropriated for their department each year. Mayor Nagle stated that she believes that the DOT is appropriated a certain budget and they can not roll any unspent money into the next fiscal year. Ms. Bennett stated that she is not familiar with any of the requirements of the federal government. Councilmember Kimmel stated he will reserve any additional questions for the regular meeting.

Councilmember Clark stated he is not clear about what responsibilities the City will assume by executing the agreement with Unlimited Play. Mayor Nagle stated that she was initially unclear as well and she invited Unlimited Play to come and meet with her and Ms. Bennett regarding the project. She stated she feels like the project has completely changed since it was originally presented to the City. She stated that she did not feel that Ms. Bennett had tried to mislead the City; rather, Ms. Bennett did not know how to begin working on the project until she was introduced to Unlimited Play. She explained that Unlimited Play will seek grant funding for the project, but the grant they are applying for can only be awarded to government entities; therefore, Unlimited Play can not apply for the grant without a government sponsor, which is what the agreement provides. She explained that Unlimited Play will be responsible to secure funding for and build the playground; they will absorb all development costs. She stated that they originally asked for a 10 percent portion of the total grant funding as their payment for securing funding, but she asked them if they would be willing to accept five percent and they agreed. She stated that her understanding is that all work will be done at no cost to the City.

Councilmember Peterson stated that it is his understanding that the City will do some work, such as engineering work, on the project. He asked if the City Engineer's fees will be paid for with grant proceeds. Mayor Nagle stated that Unlimited Play will pay the City for any costs incurred, such as engineering costs.

Councilmember Clark asked who will hold the funding and oversee the use of the funds. Mayor Nagle stated the City has the option of managing the funding or turning it over to Unlimited Play. She stated her preference would be that the City holds the funds and Unlimited Play can submit requisitions for funding to the City. She stated that originally she was

very nervous about entering an agreement with Unlimited Play because she felt that they were trying to rush the City into signing important documents. She stated that since she has met with them personally she feels much more comfortable with the arrangement. She stated that the bottom line is that Unlimited Play needs a government sponsor so that they can apply for the grant they are interested in.

Councilmember Clark asked if Unlimited Play is working with a lobbyist or grant writer and, if so, will those people receive a portion of the grant funding as well. Mayor Nagle stated that she is only aware of Unlimited Play being eligible to receive five percent of the grant funding they secure. She stated that if they have agreed to pay a lobbyist they will need to do so with their five percent portion or with some other funding source. City will not be involved in that agreement. Councilmember Peterson stated that he is aware that Unlimited Play does have a lobbyist that they work with. Mayor Nagle then stated that before she signs an agreement with Unlimited Play she will make sure the City Attorney is comfortable with the agreement.

Councilmember Peterson explained that he plans to recuse himself from the vote that will be taken regarding this agreement due to the fact that Unlimited Play is managed by members of his family.

Mayor Nagle stated that she is very excited about the prospect of having this type of park in the City. Councilmember Peterson stated that he is excited as well and the other parks that Unlimited Play has been involved with are amazing. He stated that he has questioned how the entire park can be built for \$1 million and he has told that they hope to actually build the park for less than \$1 million and then turn the remaining funding over to the City to maintain the park.

Councilmember Hammond asked if Unlimited Play has had agreements like this one in other cities. Mayor Nagle stated that they have worked with other cities and they have always had this type of agreement. She stated that she did some research about Unlimited Play on the internet and found an article about their organization in the Deseret News and another one in a church magazine. She stated that the park that will be built in Syracuse City will be the only one of its kind west of the Mississippi river. She explained that a lot of cities believe they have ADA accessible parks, but until someone tries to push a child in a wheelchair in one of those parks they have no idea what a true ADA accessible park is. She added that the plans for the park include the construction of a splash pad and she thinks that aspect alone will draw many people to the park and the City.

State Road (SR) 193: Mayor Nagle reported that the funding for the SR 193 project is 'on the chopping block'. She stated that she and Mr. Worthen, as well as representatives from West Point, Clearfield, and the Utah League of Cities and Towns (ULCT), spent the morning at the Capitol in a flurry of meetings. She explained they met with several legislators and the Lieutenant Governor. She stated that the road project has been funded for two years, but due to the fact that the project was not under contract and the funds have not been committed the legislature has considered eliminating funding for the project to improve the state of the budget. She stated this is very unfortunate because work on the project was scheduled to begin as early as April 2010. She explained that a couple of legislators have 'struck a deal'; they wanted new buildings at Utah Valley University and Dixie College so they told the Utah Department of Transportation (UDOT) to provide them with a list of projects that can be delayed or eliminated in order to use the money budgeted for those projects to build the two buildings. She explained that unfortunately SR 193 was included on that list. She explained that Clearfield City has explained that they have bonded for major road improvements that will tie into SR 193 and they have made a proposal to ATK Thiokol to build a new joint strike fighter plant; ATK Thiokol will only consider building in the area if the SR 193 project moves forward. She stated they would provide a number of high paying jobs in the community. She explained that the legislators that were making the decisions about which projects to cut did not have that information. She stated that the group was able to come to a compromise; the overall road project budget will be decreased by a defined amount, but instead of the legislature approving the list of projects to be eliminated those decisions will be left to UDOT. She explained the three cities must now focus on working with UDOT. She explained that they have engaged former-Senator Sheldon Kilpack because he was very passionate about the road projects in this area. She explained that Mr. Kilpack has some clout and he is committed to work with UDOT to try to save the project. She explained that Mr. Kilpack has said that if he is not successful in getting UDOT to agree to approve funding for the project immediately, he will work for the three cities for free to see that it eventually happens. She explained that if Clearfield City can get ATK Thiokol to agree to build in this area and to communicate how many jobs their facility will provide it will be hard for the legislature to decide against calling a special legislative session to consider funding the project. She stated she will keep the Council informed of any new developments.

The meeting adjourned at 6:55 p.m.

City Council Work Session
March 9, 2010

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: April 13, 2010

Governing Body/Administration Assignment List

- Mayor Nagle asked Mr. Worthen to research Council questions regarding setting precedent by allowing a past member of the Governing Body to continue his/her service with an outside entity. (01-12-10)
- A temporary solution to the deficiencies identified in the FY 2008-2009 audit report will be implemented within two weeks of the date of this meeting; a permanent solution will be implemented within 45-days. (01-26-10) – **Completed on March 9, 2010.**