

Minutes of the Work Session meeting of the Syracuse City Council held on April 27, 2010, at 6:00 p.m., in the Council Work Session Room, 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  
City Engineer Rick Hansen  
Finance Manager Amber Fowles  
GIS Technician Troy Moyes  
Police Detective Corey Rowley

The purpose of the Work Session was for the Governing Body to review the agenda for the Regular Council Meeting to begin at 7:00 p.m., receive a report from Councilmember Kimmel following his attendance at the Utah League of Cities and Towns (ULCT) Spring Conference, discuss the potential alteration of the City Council meeting schedule, discuss Councilmember appointments and assignments, and discuss Council Business.

Report from Councilmember Kimmel following his attendance at the Utah League of Cities and Towns (ULCT) Spring Conference.

Councilmember Kimmel reported that the conference began with a review and wrap-up of the 2010 Legislative Session. He stated the ULCT provided the attendees with some nice booklets highlighting legislative changes and he asked that the ULCT send a sufficient number of copies to Syracuse City to provide each member of the Governing Body with one. He stated the presenters spent two hours discussing the legislation that they had lobbied heavily for, which included land use legislation, legislation that affects property tax in municipalities and school districts, and funding issues. He stated that it was good information and gave some insight on the topics that the ULCT thought were important and most beneficial to cities and towns across the State. He stated Lincoln Shurtz was one of the presenters and he asked Mr. Shurtz to send him a copy of his presentation so that he could provide a copy to each member of the Governing Body. He stated that once he receives the presentation he will email it to everyone. He then reported that the night before the conference sessions began he took some time to visit with all of the vendors that had set up booths at the conference venue. He stated that he talked to three different entities that he felt could offer a great service to the City. He stated the first entity was an accounting and auditing firm and he stated he would like to add them to the list of vendors that the City will seek a bid from next time the contract for the City's independent audit is let. City Administrator Worthen stated that this may not be the year to switch auditing firms given the fact that the City recently hired a new Finance Manager. Mayor Nagle stated that she disagrees and stated that in the week that Finance Manager Fowles has been working for the City she has found a lot of areas of the City's budget that can be improved. She stated that she thinks that the City would gain more perspective by using a new auditing firm as well. Councilmember Kimmel added that there are a lot of advantages to switching auditing firms. He stated that doing so will keep the firm honest with their rates and their quality of work. He stated that often times when the same contractor is used for a lengthy period of time they may become complacent in their work. He then stated one of the other vendors that he spoke to was from a private insurance company that provides insurance to municipalities. He stated that currently the City uses another government entity, the Utah Local Governments Trust, for its property insurance needs and that seems like a conflict to him. He stated that the private vendor that he spoke to recently contracted with Tremonton City for their property insurance needs and he was able to provide them the same coverage they were previously receiving at a \$50,000 savings. He stated he would like for the Council to receive a presentation from the company to see if there are any ways for the City to save money on the service. He then stated the last vendor he visited with was Modern Display; they have the ability to provide lighting fixtures and displays that could be attached to the light poles on Antelope Drive during the winter holiday season. He stated that they offer professional installation or the City would have the option of purchasing the fixtures and hanging them. He then stated that he got a copy of a booklet from another vendor that sells playground equipment and builds

splash pads. He told Mayor Nagle that booklet may be useful in the future during the development of the Unlimited Play park. Mayor Nagle inquired as to the name of the vendor. Councilmember Kimmel stated he thought the company was named Playland or Playschool Company.

Councilmember Kimmel then stated that following the legislative update session there were several breakout sessions and he had his choice of which classes to attend. He stated the first class he attended was supposed to address ways to stimulate the economy, but to his disappointment the presenter spoke mostly about bonds and the structuring of bonds rather than what types of things can be done to stimulate local economies. He stated that the presenter provided a fairly detailed analysis, which was good, but he feels that bonds are long term solutions and he was hoping to gain more ideas on how to bring business to the City now. Councilmember Peterson inquired as to the financial philosophy of the presenter. Councilmember Kimmel stated that the presenter indicated that bonding for long term projects enables a city to bring itself financial stability through bonding rather than living paycheck to paycheck. Mayor Nagle stated that she attended a ULCT conference last September and she and Planning Commission Chair Whiteley attended the same breakout session and she left feeling the same way as Councilmember Kimmel. She stated that she does not want to borrow more money or take on more debt. Councilmember Kimmel agreed. He then stated that the next breakout session he attended included a presentation regarding the Local Technical Assistance Program (LTAP) dealing with roads. He stated that the presentation was phenomenal and the presenter promised to send his presentation materials to the attendees. He stated that there is an LTAP matrix that the City currently uses. Mayor Nagle added that the LTAP matrix was used to develop the road project map for the City. Councilmember Kimmel stated that he personally feels that road problems are one of the top issues in the City and the presentation was very insightful; there was a lot of information presented that he was previously unaware of.

Councilmember Kimmel then reported that the next day of the conference there was a presentation from Senator Bob Bennett and Representative Rob Bishop in regards to national issues and how they will affect municipalities. He stated that the presentation was not too pointed and he felt that the two were in attendance for the purpose of campaigning. He then stated that during lunch he had some time to do some networking. He stated that he met some people that he felt could offer some service to the City; one was Lonnie Pace, Salt Lake City Attorney and Councilmember in another municipality. He stated that Mr. Pace had a lot of good ideas and they had a conversation about how to structure Redevelopment Agencies (RDA) and Capital Development Authorities (CDA). He stated that the conference ended with a presentation from former professional basketball player Bill Walton. Mayor Nagle stated that she had a comment to make about RDA's. She stated that last Friday she noticed that GIS Technician Moyes was meeting with Kent Sulser and Marlin Eldred from the Davis County economic development department regarding RDA's and Economic Development Agencies (EDA). She stated she was impressed that Mr. Moyes was getting a jump-start on that work.

Councilmember Hammond stated that prior to the commencement of the construction on Antelope Drive there were discussions about possibly hanging seasonal decorations on light poles in the future. He stated that the City has purchased some decorative light poles to be installed near the intersection of Antelope Drive and 2000 West and it would be great to hang decorations on those poles. He stated that he has talked to the Lions Club and the Lady Lions group and they have both expressed interest in helping the City fund that type of project. He added that he also talked to Public Works Director Waite who told him that his Department could assist in hanging the decorations. He stated that as the project nears completion he would like for the Council to consider purchasing such decorations.

#### Discussion regarding potential alteration of City Council meeting schedule.

Mayor Nagle stated that last week City Recorder Brown asked all members of the Governing Body to forward to her any feedback they have received regarding the Council's consideration of altering their meeting schedule. She stated there are only two emails included in the Council packet and there were two people that made comments at the last City Council meeting. She stated that two citizens have voiced their opinion in favor of amending the schedule and the other two were opposed. She asked Ms. Brown if she received any documentation from other Councilmembers regarding feedback they had received, to which Ms. Brown answered no. Mayor Nagle stated that she asked Ms. Brown to research the minutes to determine if the two citizens that were opposed to the change are regular attendees of Council meetings. She stated that neither of them had attended a Council meeting for quite some time, which tells her that they are not actively taking the opportunity to come to Council meetings. She stated, however, that she is torn on this issue; she does not want the public to think that the Council is shutting them out of the business of the City, but she does want the public to be aware that work session meetings are public meetings as well. She stated that it is difficult to get a sufficient amount of work done during regular meetings because it can be hard for the Council to communicate in that setting. She stated that one recommendation is that the Council allow for public comments at the beginning of work session meetings if the decision is made to alter the meeting schedule. She stated that signage directing the public to the work session room can be increased. She stated it is important to let the public know that they still have access to the Council and they will still have the opportunity to address

them in a public meeting. Councilmember Peterson added that he noticed the signage for tonight's work session meeting has been increased and it looks good.

Councilmember Shingleton stated that the public needs to understand that the Council can not take a vote on any issue during a work session meeting. He added that if public comments are permitted during work sessions that will make a big difference to some that may be opposed to the change. He further stated that if an issue arises that requires a vote of the Council, the Council always has the option of calling a special meeting. He stated the bottom line is that the Council is not able to get enough work done during a one-hour work session held twice each month. He stated that the Council needs more time and he is not able to take extra time off work to put in the hours necessary. He then stated that he has heard from citizens about the issue; some are in favor of the change and some are opposed. Councilmember Peterson asked Councilmember Shingleton who he had heard from. Councilmember Shingleton stated he has talked to his sons and to some people that live in his neighborhood. He stated that some people have called him to voice their opposition, but most people do not care about the change. Councilmember Peterson stated that is the feeling he gets. He stated that prior to the Council considering an issue he usually gets input from his neighbors, but none of them have mentioned this issue to him. Councilmember Shingleton stated that he has had to ask people for the opinion; most have not sought him out to voice their opinion. Mayor Nagle stated she has had to do the same things. Councilmember Peterson stated that if the Council makes the change the citizens will adapt to it. Councilmember Shingleton agreed and stated there are a handful of people that attend Council meetings regularly and they will adapt to the altered schedule. He stated other groups that attend the regular council meeting will have the option of attending the work session that will be held in its place.

Councilmember Hammond agreed that the Council needs more time to get things done during work session meetings. He stated that he has taken a different approach when talking with citizens regarding the potential change. He stated he has asked them when and where City Council meetings are held and most of the time the person he was talking to knew that the meetings were held on the second and fourth Tuesday of each month at City Hall. He stated those responses actually surprised him. He stated that the issue for him is transparency and he has mentioned it before. He stated that he wants to make sure that it does not appear that the Council is hiding from the public. He suggested that the Council maintain the current schedule with one slight alteration – following the regular meeting held on the fourth Tuesday of the month the Council could convene in a second work session. He stated that will help to maintain transparency and there may even be some people that will follow the Council to the work session meeting following the regular meeting. He stated that Mayor Nagle could announce that the Council will be holding a work session following each regular meeting held on the fourth Tuesday. Councilmember Shingleton stated that if that is the option the Council selects, he feels it would be valuable to limit the amount of time to be spent in the regular meeting held on the fourth Tuesday.

Bob VanVelkinburgh asked for the opportunity to make a comment. He stated that if the Council chooses to eliminate the regular meeting held on the fourth Tuesday of the month and hold an extended work session in its place, it would be valuable to provide an opportunity for public comments at the beginning and at the end of the extended meeting. He stated that after the discussions held by the Council during that meeting the public may have some questions or comments and it would be nice for them to have the opportunity to speak. Mayor Nagle stated she believes that is a great idea.

Mayor Nagle then stated that she does not understand Councilmember Hammond's comments regarding transparency. She stated that work sessions are open meetings and people actually have the opportunity to participate more during a work session than they do during a regular meeting because some may be intimidated to stand in front of an audience at the regular meetings to voice their comments. She stated that the work session meetings are held in a much more intimate setting and a visitor making comments does not have to leave their seat to do so. She stated more dialogue is encouraged. She stated that her question is how to get people to come to the meetings more than they currently do. Councilmember Hammond stated that people base their decision to come to Council meetings on what items are going to be discussed. He stated if there are issues that directly relate to them they will be in attendance. Mayor Nagle stated that it will be possible for the Council to know when 'hot-button' issues are going to be discussed and it would be possible to move a work session meeting to the Council chambers if the Council believes that the number of citizens attending will be great. She then reiterated that no citizen talked to her about the possible schedule change unless she approached them and most people told her that they just want the Council to get things done. She stated that needs to be the end goal in the Council's mind when making this decision.

Councilmember Peterson stated that he does not have a great objection to holding a work session before and after the regular meeting held on the fourth Tuesday of the month, but he felt that the only reason the Council would do that would be to maintain the formality of having a regular meeting. He added that the discussions that will be continued from the first work session to the second work session would be interrupted and broken up. Mayor Nagle added that her hope is that the public knows that the Governing Body is working for them and if it is necessary to call a special meeting that is what the Council will do. She stated she felt that the Council would gain the reputation of being more open and receptive to the

public. She stated, however, that it will be impossible for the Council to 'turn on a dime' on most issues unless they devote more time to getting things done. Councilmember Shingleton stated that if the issue is explained correctly in the newsletter – a paper copy of the newsletter – that will take some surprise out of the issue along with the feeling that the Council is eliminating a tradition. He stated it is necessary to break out of the mold of having a set amount of time in a work session meeting held every two weeks. He stated the Council is going to be discussing some very important things in the near future and it is difficult to communicate in the Council chambers.

Councilmember Kimmel asked Mayor Nagle for her recommendation regarding this issue. Mayor Nagle stated she would like for the Council schedule to remain the same on either the second or fourth Tuesday of the month; on the other Tuesday she would like to see a hybrid meeting where the formal meeting is combined with a work session. She stated that during that meeting there will be time allotted for public comments at the beginning and the end of the meeting, which is not even something the Council allows for during its regular meetings. She stated it is important to ensure that the public has a formal opportunity to address the Council. Councilmember Kimmel stated that he can see the logic behind some of the ideas that have been shared tonight, but the thought that he has is that there is something to be said for continuity. He stated that there will be large crowds attending meetings during which 'hot-button' issues are being discussed and it may be necessary to hold those meetings in the Council chambers regardless. He stated that he is a big advocate for people having access to their government, even if they do not choose to exercise that access. He stated that people might not be actively involved in their community, but the avenues to become involved should be there for them. He stated that he would still strongly advocate the Council hold two formal meetings each month and he is in favor of increasing the amount of time spent in work sessions. Mayor Nagle stated that she is not sure how her recommendation would deny the public access to their government. Councilmember Kimmel stated he simply disagreed that people will adjust to an altered meeting schedule. Councilmember Petersen then asked how often the Council has had a 'hot button' issue on their agenda that attracts a lot of people. Councilmember Kimmel stated he can not predict the future and determine how many 'hot-button' issues will be on future agenda. Councilmember Peterson stated he can not predict the future either, but he likes the idea of starting a new tradition.

Councilmember Hammond stated one solution would be to 'go live' with Council meetings by broadcasting a recording of the meeting live on the internet. He stated that would negate all issues. He stated he would like to consider that option prior to altering the meeting schedule. Councilmember Shingleton stated that due to budget restrictions it may be difficult to make that happen. Mayor Nagle agreed and stated that if the City does not have funding for road projects she would be opposed to funding the broadcast of City meetings on the internet. The Council then briefly discussed options for broadcasting Council meetings, with Councilmember Peterson stating that it would be a good direction to go in the future, but he does not believe that it addresses transparency or continuity. Ms. Brown added that she does not feel there is a problem with transparency in Syracuse City. She stated that detailed minutes of work sessions and regular meetings are available to the public, detailed agendas are created for both meetings and published the Friday prior to each Council meeting, and an audio recording is made of both meetings and that recording is available to the public within 72-hours of the meeting. She stated she struggles with the allegation that there is not enough transparency because she feels that the City is doing everything possible to give the public access to the Council and to their meetings.

Councilmember Kimmel asked Ms. Brown what benefits she could see in altering the Council's meeting schedule. Ms. Brown stated that she had heard the complaints of the Council for at least the past two years that it is not possible to get enough work done in work sessions. She stated the Council has held some regular meetings simply to address one agenda items, but because there are so many other formalities on the regular meeting agendas the meetings tend to last upwards of an hour. She stated that she feels that the Council is not being as productive and efficient as they could be. She stated that the next several months will be very busy as the Council reviews the Fiscal Year (FY) 2010-2011 budget and the Council has also indicated that they would like to totally rewrite the City Code. She stated both of those tasks will take so much time and effort and she can not imagine how many extra work sessions will be necessary in order to get that work done. She stated that if the Council had the option of coming to a work session meeting on the second Tuesday of the month and dedicating a block of time from 6:00 p.m. to 10:00 p.m., for example, to getting that work done, that would provide for a more productive environment. She stated that is simply her opinion. Mayor Nagle stated that she agrees with that and she, too, has heard the comments that the Council needs more time to get things done. She stated that the City is facing some pretty serious problems that the Council needs to address. She stated that re-codification needs to be a priority and it will take a lot of work. She added that Ms. Fowles has already found some pretty significant budget issues that the Council needs to deal with and it will take time to do that. She stated that the Council needs more than two hours each month; all of the Councilmembers said during their campaign that they were committed to make positive changes in the City and if they choose to move forward with this proposal the public will be invited to be more interactive in government processes and they will see that the Council is committed to focus on the things that they should be focusing on.

Councilmember Peterson stated that in recent regular meetings of the Council there have been some Councilmembers that have been uncomfortable making decisions regarding some issues because they want more time to consider them. He stated that the hybrid work session would give them the opportunity to have more discussion and thought about those types of items and it may not be necessary to table items as frequently as the Council has.

Mayor Nagle stated that she is mindful of what Councilmember Kimmel is saying and she does not want the public to think that the Council is trying to shut them out. Councilmember Kimmel stated he believes that is what the public will think if the Council chooses to alter their meeting schedule. Councilmember Hammond agreed. Councilmember Shingleton stated that some people may think that while others will not care. He stated that the reasons for the change need to be explained in detail in the newsletter and the Council should be explaining the issue to citizens as well.

Lurlen Knight asked for an opportunity to make a comment. He stated that years ago, before he was elected to the City Council, the Council did not hold work session meetings. He stated that the decision was later made to begin holding a 30-minute work session prior to regular meetings. He stated that at that time the public felt that the Council was holding closed-door meetings. He stated that what Councilmember Shingleton is saying is accurate; the Council needs to be able to articulate the reasons for the change to the public. He then stated that the 30-minute work session eventually transitioned to a one-hour work session meeting. He stated that in order to predict the future it is necessary to look into the past and consider the pattern that has developed. He stated the Council can then determine if that pattern is a good pattern and if it should be maintained or changed. He stated that altering the meeting schedule and holding an extended work session in place of a work session and a regular meeting may be part of the evolutionary process. He stated that the Council needs to be prepared to be flexible and move to the Council chambers in the case that a large crowd attends the extended work session. He stated that there will likely be comments that the Council is trying to do their business behind closed doors. He stated that is something that the Council will need to overcome and they can do that if they do things the right way and are forthcoming with the public. He stated there have been complexities in the City as it has grown and the City will hit another growth spurt and when that happens the Council agendas will be full and it may be necessary to resume the practice of holding two regular meetings a month. He stated that he agrees that there is currently not enough time during work session meeting to get all the work of the City done; the Council tried to re-codify six years ago and again four years ago and they did not get it done. He stated that the ordinances are outdated and they need attention.

Mayor Nagle stated it is up to the Council how changing the meeting schedule will be perceived. She stated the Council can agree with citizens when they say that the Council shutting them out or they can disagree and explain to them the reasons for the change and stress that work sessions are a public meeting as well. She then suggested that a resolution be drafted regarding a potential change to the meeting schedule for the Council to consider during their next meeting. She stated the resolution should indicate that the Council will continue to hold a work session and regular meeting on the second Tuesday of the month and that on the fourth Tuesday the Council will hold an extended work session and there will be time set aside during that meeting for formal public comments. Ms. Brown asked if the Council would like to hold a public hearing in order to get additional public input regarding the potential schedule alteration. Mayor Nagle stated she felt that would be a good idea. She added that she will call a couple of local newspapers to see if they will run an article about what the Council is considering. Councilmember Hammond stated that the Mayor might also want to mention that the Council is considering broadcasting their meetings live on the internet.

#### Discussion regarding Councilmember appointments and assignments.

Mayor Nagle explained this item was added to the agenda as a result of an email sent to Ms. Brown by Councilmember Shingleton. She stated that when she saw the email she tried to call Councilmember Shingleton to discuss the issue with him. She stated that she wants the Council time to discuss this issue further to ensure that everyone is in agreement regarding the appointments that have been made by the Council. She stated that her understanding is that there is a preference to require that an elected official, rather than a resident, be appointed to fill the City's representative position on the North Davis Sewer District (NDSD) Board. She stated that she believed that everyone is in agreement with that direction, but when this issue was discussed in the past the Council received input from the City Attorney as well as from the NDSD attorney and both told the Council that the person currently appointed to the position, former Councilmember Lurlen Knight, can not be forced to resign his position. She stated that if the Council adopts a resolution dictating that the City's representative must be an elected official, that resolution would be non-binding at this time because the City does not have the right to tell the NDSD Board what to do with their Boardmembers. Councilmember Kimmel stated that he reviewed the State Code and found a section of the Code that he led him to believe that the Council can tell the NDSD Board what to do. He stated that the NDSD's attorney's opinion referenced part of the Code he reviewed, but not the entire section. He stated the same was true of the City Attorney's opinion. He read section 17B-1-303(6)(a) as follows:

(6) (a) For purposes of this Subsection (6):

(i) "Appointed official" means a person who:

(A) is appointed as a member of a local district board of trustees by a county or municipality entitled to appoint a member to the board; and

(B) holds an elected position with the appointing county or municipality.

(ii) "Appointing entity" means the county or municipality that appointed the appointed official to the board of trustees.

(b) The board of trustees shall declare a midterm vacancy for the board position held by an appointed official if:

(i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the elected position with the appointing entity; and

(ii) the appointing entity submits a written request to the board to declare the vacancy.

(c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the appointing entity shall appoint another person to fill the remaining unexpired term on the board of trustees.

Mayor Nagle stated the Council needs to refer this section of the State Code to the City Attorney and request his opinion. She stated she does not want the City to unnecessarily engage in a legal battle regarding this issue. Councilmember Kimmel stated that the statute appears to be fairly cut and dry to him. Mayor Nagle stated that may be the case, but the City has opinions from two different attorneys who told the Council that they can not require Mr. Knight to resign. She stated she is not arguing with Councilmember Kimmel; rather she wants to make sure that the Council is proceeding correctly.

Mr. Knight stated he would caution the Council against pursuing this issue because doing so may result in the NDSB completely altering the makeup of their board. He explained that the Central Davis Sewer District recently made some changes and dictated that every person sitting on their board must be an elected official. He explained that those elected officials are not elected to a City Council; rather the special district will hold their own election and the citizens will be responsible to elect members to their board. He stated that if that were to happen with the NDSB, the City may have no representation.

Mayor Nagle stated that she wants to proceed cautiously and make sure that what the City is doing is correct and that it will not alienate the NDSB Board. Councilmember Knight stated that the Board desires continuity among its members; often when a new member is appointed to the Board it stalls the progress of the Board because it can take several months for the new member to come up to speed on what the Board is working on.

Councilmember Hammond stated that he would welcome an opinion from the City Attorney regarding the section of the State Code that Councilmember referenced. He stated that if Councilmember Kimmel is correct in his interpretation of the statute the Council needs to take some formal action. Ms. Brown stated that if Councilmember Kimmel's interpretation is correct there is no need for the Council to take action simply to reinforce a state statute. She stated that no resolution of the Council would be necessary.

The meeting adjourned at 6:55 p.m.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: May 11, 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)
- City Recorder Brown will draft a fee schedule and proposed policies for advertising in the City newsletter to be considered during the April 27 Council meeting. (04-13-10)
- Public Works Director Waite and Recreation Director Robinson will draft a proposed policy for handling requests for fee waivers for rental of City facilities. (04-13-10)