

Minutes of the Work Session meeting of the Syracuse City Council held on May 31, 2011, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

Mayor Jamie Nagle
City Administrator Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:
Public Works Director Mike Waite
Community Development Director Mike Eggett
Finance Director Steve Marshall
Police Chief Brian Wallace
Fire Chief Craig Cottrell
Lieutenant Tracy Jensen
City Planner Kent Andersen
GIS Technician Troy Moyes
City Engineer Robert Whiteley

The purpose of the Work Session was for the Governing Body to receive a presentation regarding City roads and budget facts, a presentation from the Fire and Police Departments regarding grant rewards, a presentation about a potential outdoor expo, a presentation regarding a potential Syracuse phone application, discuss the City's representative on the North Davis Sewer District (NDSD) Board, review special meeting agenda items five and six, and discuss the proposed rewrite of Title Six of the Syracuse City Code, and discuss Council Business.

Presentation regarding City Roads/Budget Facts

City Roads: Public Works Director Waite stated that the point of this presentation is to try to educate the public regarding the condition of the City's roads. He reminded the Council that he provided this presentation to them during their recent retreat, but since then he has made some modifications. He stated his hope is to get Council approval so that he can post the presentation on the City's website in order to reach more of the City's customers. He stated he has titled the presentation "The Good, The Bad, and The Ugly". He stated he would begin by reviewing some pieces of good information about the road. He stated the 2700 South road reconstruction project turned out great, even though the price tag associated with the project was high. He stated another good piece of information is how the \$78,000 road maintenance budget has been used. He stated he included some photos in his presentation to provide customers with a visual explanation of how that money is being used on items like slurry-sealing and crack-sealing. He then explained another good thing is the recent completion of a road survey. He stated that his Department has driven all 95 miles of road in the City and assigned it to a category. He stated the possible categories are roads with life left, roads that need treatment or maintenance, roads that are failing, or roads that have already failed completely. He stated the survey is very detailed and clearly explains the needs of the City. He stated the next good thing that he has worked on is a trip hazard removal program. He stated that sidewalks are part of the City's infrastructure and they need to be taken care of accordingly to ensure that pedestrians can walk safely throughout the City. He provided a photograph of a trip hazard and explained that rather than remove an entire section of sidewalk to remedy a trip hazard, his Department grinds the trip hazard down so provide even sidewalks throughout the City. He stated that some good news is that there is still life some of the City's roads; the key to preserving that life is maintenance through the application of materials that will rejuvenate roads so that they can be used for a long time to come. He stated another positive piece of information is that there are many roads in the City that are owned and maintained by the Utah Department of Transportation (UDOT). He then explained that the cost of properly maintaining a road is much less expensive than restoring or replacing a road. Mr. Waite then stated he would provide some information about the things related to City roads that could be considered bad. He stated one bad thing is the limited funding available for maintenance and some of the road treatments he referenced. He stated that this year has been the worst for damage claims that motorists file after receiving damage to their vehicles due to the condition of a City road. He added that there has been more money spent on pothole repair than in any other year in the past. He stated that his Department went through 13-tons of asphalt this

year filling potholes, which is done by hand and shovel by crews made up of his employees. He stated that another bad thing is that the City currently has in its fleet a 1984 snow removal vehicle, which is unreliable and unsafe. He stated it needs to be removed from the fleet. He then stated that he will review the issues related to roads that he refers to as "the ugly". He stated there are several miles of roads that are beyond repair; it would do no good to apply crack-seal or slurry-seal and it is instead time to let the road go completely until it is possible to reconstruct. He stated that there are so many miles of roads that are in need of resurfacing or reconstruction and the price tag attached to that work is nearing \$3 million. He explained there are some roads that have more crack-seal on them than they have asphalt. He stated that those roads are in neighborhoods throughout the City and it is his hope that residents will understand that there are roads throughout the entire City that are in disrepair, which is a situation that impacts all residents. Mr. Waite then stated another ugly aspect of the roads relates to the five year plan. He stated that he has created a five year plan, but there has not been enough funding to complete the projects included in that plan. He stated that has made it necessary to delay projects further into the future and as a result the City is now facing a list of projects totaling \$3 million. He stated that is a serious issue facing the City. He explained his plan is to take core samples of roads throughout the City and present them in some manner that the residents can understand. He stated he will provide a core sample showing what a good, functioning road should look like. He added he will provide another sample that has one inch of the original road and two inches of an overlay. He stated that he will explain that as people drive on this type of road the one inch portion and the two inch portion are sliding back and forth on each other, which causes excessive friction and works to break the road down. He further explained that some of the road samples will have little to no aggregate material in them at all and oil without aggregate does not work. He added that his goal is to explain to the residents how the roads should look. He stated the over the past fiscal year he has had a \$78,000 budget to maintain roads. He stated that prior to that he has always had approximately \$375,000 to maintain roads. He stated that as road mileage has increased his budget has decreased and that has caused roads to further deteriorate. He stated that he has tried to come up with new innovative ways to maintain the roads such as using the Utah Corrections Industries (UCI) to provide services like crack sealing on the roads. He stated that their crews spent 40-hours crack sealing and they did three times the amount of work that another contractor did last year. He stated, however, that if the roads budget continues to be minimal the City's roads will literally turn to dust. He concluded by saying that he feels the City needs to work to increase the road maintenance budget and seek additional funding outside of the City. He stated it is necessary to develop a Capital Facilities Plan (CFP) and then follow it as closely as possible, and it is also necessary to develop a five year road plan and follow that as well. He stated that he hopes his presentation is meaningful and he would like to post it on the City's website as soon as possible so that the residents can view it.

Councilmember Clark inquired as to the cost of crack sealing a road and he asked if it would be beneficial to include that information in the presentation. City Engineer Whiteley explained that it may be a good idea to include information in the presentation about the costs for various types of road maintenance as well as the cost to fully reconstruct a road. Councilmember Peterson agreed and stated he thought it would be good to include specific examples, such as how much the City has paid for actual road maintenance or reconstruction projects in the past. Mr. Whiteley explained that the data he would include in the presentation would be based on actual costs. He explained that the most recent reconstruction project the City completed was 2700 South. He stated the biggest challenge he would face in gathering data is that costs fluctuate so frequently according to fuel prices and availability, so it may be best to simply include a price range for different types of projects or maintenance work. Councilmember Clark agreed it would be helpful to include that information in the presentation. Mr. Waite stated he could easily explain how much money it would cost to apply slurry seal, crack seal, or to reconstruct an average city block. He then stated that he forgot to mention one item relative to the CFP. He stated that he is seeking a grant to assist in the development of a CFP for the City. He stated that one key point in the CFP will be that no matter where the West Davis Corridor is constructed, he wants to ensure that the City roads that will be most impacted by that project are built to handle the increased volume and traffic flow.

Councilmember Clark asked if the replacement of the 1984 snow plow is included in the vehicle leasing program that the Council has discussed recently. Mr. Waite stated it is part of a leasing program that is different than the program that the Council has recently received information about. Councilmember Peterson asked if including information about the vehicle in the presentation will confuse people. He stated that the City is explaining to residents that a property tax increase would be used to pay for roads and it may be confusing to include the snow removal equipment in this presentation because people may assume that the property tax increase will pay for a new piece of equipment as well. Mr. Waite stated he could understand how that information may be confusing, but he explained that snow removal is part of road maintenance. He stated, however, that if the Council is uncomfortable with the information he can remove it from the presentation. Councilmember Peterson stated he simply wanted to avoid confusion. Mr. Waite then added that he is willing to answer any questions or concerns about this presentation. He stated he is including his name and contact information on the front page of the presentation and Councilmembers and residents alike are welcome to call him and discuss any issue with him.

Mayor Nagle inquired as to how many miles of roads the UCI crews were able to crack seal. Mr. Waite pointed out the areas of the City that the crews worked on, but explained that they likely did not crack seal one full mile of roads. He stated, however, that the crack seal is very visible on the six-way roundabout at 2000 West and 2700 South and it will hold that road together for another couple of years.

Mayor Nagle stated that the Council must decide what their commitment level is for the infrastructure of the City and how to address the issues related to infrastructure. She stated that the longer the City foregoes maintenance, the larger the cost to repair or replace.

Councilmember Kimmel inquired as to what percentage of the City's annual budget is covered by federal grants. Mr. Waite stated that he has not received any outside grant funding for roads. City Manager Rice stated that is correct; he added that the City has applied for grant funding, but has not received any to this point. Councilmember Kimmel stated he simply wanted to know if staff expects to receive any money from outside agencies to be used for road maintenance. Mr. Waite stated that the City applied for funding from the Wasatch Front Regional Council (WFRC) and the project for which the funding would have been used was ranked fairly high, but the City ultimately did not receive any funding.

Councilmember Ocana stated that Mr. Waite made mention of the City's liability for damage caused by pot holes, etc. and he asked how much money the City has paid for those types of claims. Mr. Waite stated he could gather that information and provide it to the Council. Councilmember Ocana asked Mr. Waite if he feels that the state of the City's roads are detrimental to public safety, to which Mr. Waite answered yes. He stated that he recently received a call from a resident that thanked him for fixing the pot holes on his street, but added that he is constantly sweeping gravel off of his grass because the road is constantly deteriorating. He added that motorists are dodging pot holes throughout the City, which causes them to veer onto private property or possibly cross the center line of the street into oncoming traffic.

Councilmember Peterson stated it may be a good idea to include definitions of different types of road maintenance projects and products in the presentation. Mr. Waite stated that he can easily do that. He stated once he has addressed all of the Council's comments he will post the presentation on the City's website.

Mayor Nagle stated that she recently had a conversation with Police Lieutenant Jensen about a road safety issue related to pot holes. Mr. Jensen stated that issue was related to icy and snow-packed roads rather than roads with pot holes.

Councilmember Clark stated that Mr. Waite has mentioned that this presentation will be included on the website, but he asked if it will be disseminated in any other way. He stated that his concern is that people will not know that the presentation is on the website. Mr. Waite stated that it would be possible to include a statement in the newsletter directing people to the website. He stated that he has also talked to many residents about these issues. He stated that some residents agree with what the City is doing while others do not. He stated the bottom line is that his goal is to take care of the City's roads and make them safe to drive upon. Councilmember Shingleton suggested adding information to the City's utility bill since the City has been using a new format that provides the City with the ability to get a message to the customers.

Councilmember Kimmel stated that residents are constantly hearing about the issues that the entire State is facing due to the weather conditions and he asked if a road will further deteriorate when it is submerged under water. Mr. Waite stated that excessive water on or around a road absolutely increases deterioration. He stated that several years ago the City created a special improvement district (SID) to install curb, gutter, and sidewalk throughout an area of the City. He stated that gives roads an anchor point that prevents water from getting under the road and breaking it apart. He stated there are still several roads in the City that do not have anchor points and different weather occurrences can speed deterioration of the roads.

Mayor Nagle then stated that she wanted to compliment Mr. Waite and the employees that work in his Department for being out in force throughout the weekend. She stated that she has received several phone calls from residents explaining that City employees were helping residents in need. She stated it was a very well coordinated effort and she was pleased to see the City's response. Mr. Waite thanked Mayor Nagle for the compliment and explained that he and his staff have been on the streets since 6:00 a.m. pulling manholes and doing other work to determine the City's needs in light of flooding concerns. He stated that he is in the process of preparing information to explain that ground water is higher this year than it has ever been in this City. He then thanked the Council for their time and consideration this evening.

Budget Facts: Mr. Rice stated that he wanted to provide the Council and the rest of the staff with some talking points related to the potential tax increase. He stated that the only information that has been provided to the public is that the City is considering increasing taxes by 28 percent. He stated that is the information that must be advertised because of state laws relating to truth in taxation, but he wanted to explain that the average increase for residents in the City will be \$75 per year, which translates to \$.20 per day. He stated that the City's portion of a total property tax bill is approximately 12.1 percent, which means that the overall increase that residents will experience is actually 3.48 percent. He stated that one interesting piece of information is that Davis County receives 17.1 percent of the total tax bill even though the County does not provide nearly as many services to residents as the City does. He then provided a further break down of the percentage of

the overall tax bill by explaining that the Davis School District (NDS) receives 60.1 percent and the North Davis Sewer District receives 6.4 percent. He added that residents also pay a monthly fee to the NDS as part of their utility bill. He explained that the 12.1 percent that the City receives helps to pay for services in the City including roads maintenance, police and fire protection, administration, recreation, building inspection, and courts. He stated that to offset the tax increase the City is in the process of purchasing a fire truck, which should lower homeowner's insurance rates by an estimated five percent. He stated that if an average resident pays \$500 annually for homeowners insurance, they would see a savings of approximately \$25. He then added that property tax is deductible on a homeowner's federal tax filing. He stated that if the average residents is included in the 15 percent tax bracket and itemizes their deductions, they would see a refund on their taxes of approximately \$11.00. He stated that when all of these items are considered the average tax increase amount would actually be \$39. He then stated that he wanted to review some information about why the tax increase is necessary. He explained that declining road conditions is a major issue facing the City and proper funding is the first step in maintaining the roads. He stated that the cost of repairing and resurfacing the roads has increased 25 percent since 2006 while the cost of reconstruction has increased by 30 percent since 2006. He explained that the total mileage of roads in Syracuse City has increased by 10 miles, or 11.8 percent, since 2006; there are currently 95 total miles of road in the City. He explained that staff has identified approximately \$2.9 million in necessary road projects; these projects include major collector roads such as Bluff Road and 2700 South as well as roads around residential areas and schools like Cook Elementary. He added that the City's population has increased approximately 24 percent since 2006, which translates into more people using the roads, more traffic, and faster deterioration of the roads. He stated that the Public Works Department has taken measures to reduce costs by recycling road materials and reusing the materials in the road repairs and maintenance at significantly reduced prices. He stated that the City has cut general fund expenses from \$8,985,290 in 2008 to \$6,681,602 in 2010. He stated that additionally the total number of City employees has decreased by six percent since 2007; revenues have remained flat since 2008. He added that he also wanted to point out that the property tax increase will have a two-year sunset clause. He then reviewed a chart that provided some historical data relative to the City's revenues and expenses from 2006 through 2010. He pointed out that for several years the City's expenses exceeded revenues, but recently that has been changed and mid-way through 2010 the City's expenses were lower than revenues. He stated that it is a true statement that the City is doing more with less; the staff level is lower, there are more roads, lower budgets, and higher costs. He stated that this is ultimately why the administration believes that a property tax increase is necessary. He reiterated that all revenue generated by any property tax increase would be used to supplement the road budget. He added that there are a number of initiatives that the staff has been working on over the past couple of months, but it may take some time for those initiatives to come to fruition. He stated that any extra revenue that is brought in or any decrease in expenses will result in the windfall being contributed to the road budget. He stated that the tax increase will only make a dent in the actual needs relative to road projects, which is why staff will continue to do everything possible to cut expenses and increase revenues.

Mayor Nagle stated that a resident approached her and explained that they live in a new subdivision with new roads and therefore they are not supportive of a tax increase that will pay for road projects. She stated that she believes that even some of the roads in the newer subdivisions in the City are in need of maintenance or repair. She stated the City should be asking the citizens what they would be in favor of cutting in order to provide funding for road projects. She stated that she applauds the staff for putting together some educational information on this topic. She then stated that she would provide some historical information about this issue. She stated that when the City created a full-time Fire Department there was no tax increase to fund the service and instead the Council took money from other areas of the City, such as the roads budget. She stated that the City has "kicked the can down the road" as much as possible and now it is time to decide what must be done. Mr. Rice stated that, on that note, there have been some suggestions that the City should transition to a part-time or volunteer Fire Department. He explained that the City spends approximately \$1.3 million annually to fund the Fire Department, but even if the City were to transition to a part-time or volunteer Fire Department it would be necessary to purchase equipment and maintain a fire station. He stated the transition would only save the City approximately \$600,000, but the City's ISO rating would decrease which would cause homeowners insurance to increase dramatically and residents would be paying more for that than they will be paying with a property tax increase.

Councilmember Shingleton asked what the City's current ISO rating is. Fire Chief Cottrell explained the City's rating is five. Councilmember Shingleton inquired as to what Kaysville City's rating is, to which Chief Cottrell answered that he did not know. Councilmember Shingleton stated he believed that Kaysville's rating is also a five. Chief Cottrell stated that Kaysville and Syracuse are very different from one another. Mayor Nagle added that if the City were to transition to a part-time or volunteer Fire Department emergency response times could be increased by as little as three or four minutes, but that amount of time could be the difference between life and death for a resident in need of medical attention. She then stated that she feels that having a conversation about impacting the Fire Department is irresponsible. Councilmember Shingleton stated that all he is pointing out is that Syracuse and Kaysville both have an ISO rating of five, yet Kaysville has a

part-time, volunteer Fire Department. Councilmember Clark stated there is much more that goes into the calculation of an ISO rating than whether the City has a part-time or full-time Fire Department. Councilmember Shingleton stated he is unaware of how the ISO rating is calculated. Councilmember Clark stated that Councilmember Shingleton should not make an assumption of how the rating is determined. Councilmember Shingleton stated he is not making an assumption. Councilmember Clark stated that is how he interpreted Councilmember Shingleton's comments.

Councilmember Kimmel stated that Mr. Rice's presentation conveyed that the tax increase will sunset in two years and he asked if that will be mandated or if the property tax will simply be reviewed by the Council in two years. Mr. Rice stated that the property tax increase will be eliminated after two years unless action is taken to continue the tax increase. Councilmember Clark asked if staff is confident that is a legal action. He stated that a couple of years ago he and former-Councilmember Lurlen Knight had pushed for a tax increase to pay for roads, but they wanted the tax increase to sunset after two years and they were told they could not do that. City Recorder Brown explained that the City Attorney has said that it is legal for the Council to implement a two-year sunset clause on a tax increase, but he is reluctant to recommend such an action due to the fact that it makes a commitment for future City Councilmembers. She explained that in two years the City Council will need to go through the truth in taxation process to determine whether to actually sunset the tax increase.

Public Comments

Gary Pratt, 2619 S. 575 W., stated that someone made a comment earlier about a resident that lives in a new subdivision with new roads. He stated that he likens this situation to someone that buys a new car and gets it home and discovers that it has used tires on it or that it will not pass a safety inspection. He stated that person would have an immediate cost to fix the car on top of the price they already paid to buy the car. He stated that is the same experience he has had in coming to Syracuse. He stated that roads wear out, just like the tires on a car; when buying tires it is known fact that the owner will only get a defined number of miles out of the tires. He stated that the same can be said for roads. He stated he agrees with what has been said by many elected officials and residents alike. He stated that previous administrations put other things ahead of fixing roads and now the City is faced with "paying the piper". He stated he represents a street in the City with 22 homes on it and their road is fairly new, yet it now has huge cracks in it even though it was sealed three years ago. He stated the road is already starting to fail. He stated that years ago he used to own a magic wand that he could use to wave in these kinds of situations and it would fix these problems. He stated unfortunately he sold it on EBay. He stated that the only solution that he sees, after his experience on committees and council's on the past, is for the City to bite the bullet. He stated there is a two-pronged approach that the City could consider; one option is an immediate transfusion of money to the road budget through a bond. He stated that his experience has always been that even if the decision is made to sunset an action after a defined length of time, the tax increase would continue and become a permanent thing. He stated that the make-up of the Council may be completely different two years down the road.

Travis Shingleton, 1738 West Ira Way, stated that he thinks that the City's Recreation Department may have bought Mr. Pratt's magic wand on EBay. He stated the Council talks about taking money from the roads budget to pay for the Fire Department. He asked what the Council is doing and why the Recreation Department remains untouched. He stated that money is being taken from the Departments that preserve public safety to make sure that kids in the City can play basketball. He stated his kids do not play basketball, but he is sure that he pays for other kids on his street to play basketball. He stated that he will pay for his road to get fixed and other residents can pay for their roads to get fixed. He stated the discussion turns into a big circle. He stated the other thing he wanted to reference is the slide in Mr. Waite's presentation about grinding concrete to eliminate trip hazards in the City. He stated that is a temporary fix and the problem will only reoccur again in the near future. He stated that the Council needs to ensure that problems are addressed correctly and that the staff has the equipment they need to make the proper fix. He stated he finds these issues ridiculous. He stated he works in construction and he sees things like this all the time. He stated all the "alligating" that is appearing in the roads will cost the City a very significant amount of money to fix and it is the result of poor compaction and a lot of water sitting under the roads. He stated that the Council should make a hard decision; instead of talking about reducing the budgets for roads or public safety the Council should be talking about reducing the funding that allows the kids to play basketball. He asked if that is a necessary program and if it keeps the City safe. Councilmember Peterson answered yes, those types of programs keep the City safe. Mr. Shingleton stated that is absolutely incorrect and that he felt Councilmember Peterson was out of control in saying that. He stated it is not the government's responsibility to provide sports programs and make sure the kids are safe. He asked Councilmember Peterson for some statistics to back up his statement. He asked why the Recreation Department can not support private recreation groups by letting them use City facilities. He stated instead the Recreation Department makes it as difficult as possible for private entities to conduct programs in the City. He stated that the AYSO soccer organization works with Davis County rather than the City, meaning that is where there money goes as well. He stated the City needs to think about those things and instead of making things difficult for people the City needs to strive to make things easier.

Councilmember Peterson stated he does not want to argue with Mr. Shingleton, but he commented that his comments about the Recreation Department are so unfair. Mr. Shingleton asked if it is fair to take money from the roads budget. Mayor Nagle stated they are not taking money from the roads budget to fund the Recreation Department. Mr. Shingleton stated the comment earlier that money was taken from the roads budget to fund other things in the City.

TJ Jensen, 3242 S. 1000 W., stated there was some discussion earlier about how the materials underneath a road can affect the quality of a road. He stated that Mr. Waite made the comment that adding curb and gutter to a road will seal the road and prevent water from getting under it. He stated that is only true to a point; if there are already cracks and potholes in a road the water can get in through them. He stated if the road base under a road can get wet enough it can turn to the consistency of mud and it can not adequately support the vehicles driving on the asphalt. He stated that as roads get older there will be more opportunities for water to get under them in many different ways. He then stated that he has made comments about these issues for several years; Syracuse City has a lower tax rate than many of the surrounding cities and residents have enjoyed that fact, but now they will pay the price because the City was not collecting the amount of money necessary to properly maintain the roads because the Council felt they could fund everything in the City with a lower tax rate. He stated those decisions are now "coming back to bite" the City. He stated that in 2006 when the economy was in its "hay day" the City was in an in-between phase; the City is not a big city, but is not a small city anymore. He stated that a lot of the facilities that were built at that time were constructed to meet the needs of the City at build out, which was projected to occur in five or ten years, but now forecasters do not believe the City will reach build out for another 20 years. He stated that some people projected the downturn in the economy, but most cities got caught flat footed when it actually happened. He stated that he wanted to add that the cost of oil calculates very heavily into the cost of repairing or reconstructing roads. He stated that raw materials are costing much more than they used to.

Karianne Lisonbee, no address given, stated that she wrote the article in the Syracuse Islander that was referenced earlier in the meeting and there seems to be some insinuation that the accurate information was not included in the article. She stated she did ask very open ended questions and she would have been happy to include any information about the actual percentage of the tax increase if she would have been given that information. She then stated that she would like to say that there seems to be some sort of false dichotomy that the choice that the City must make is between the roads and a tax increase. She stated that she does not think that the City can rely on an improved economy in the future and every single economist is saying that America is facing the biggest financial collapse in the world in the next two years. She stated that "we" need to stop making false dichotomies; there are other ways to get things done. She stated the City needs to look to the future and make the necessary cuts. She stated the City's tax base is not going to increase and neither are sales tax revenues. She stated America is currently borrowing 40 percent of its national budget and that is not sustainable; "we" are telling our children that they must fund everything they need plus 40 percent of what "we" needed. She pleaded with the Council to look at the numbers; look at the Recreation Department; review funding for the newsletter. She stated that she would like the Council to fund ways to cut the budget in order to fund roads, which are necessary.

Johns Lewis, 2330 S. 950 W., stated that Mr. Rice's figures do not add up. He stated that Mr. Rice said that the tax increase over two years will bring in \$900,000 for the City, but the roads budget is actually \$2.9 million, so the City will still be short \$2 million. He stated that what Mr. Rice is really saying is that the tax increase will be permanent and he asked Mr. Rice to admit it.

VeAnn Bean, 1509 S. 2600 W., stated that she wanted to talk about the resolution to appoint a new City representative to the North Davis Sewer District (NDSD) Board of Trustees. She stated her suggestion is that the Council reappoint Councilmember Kimmel. She stated that she has appreciated all that Councilmember Kimmel has done in that position; he has truly been an advocate for the people. She stated that Councilmember Kimmel has held the taxpayers' funds sacred and he does not abuse them like so many other people in power. She stated she is grateful that he refused a \$10,000 insurance policy offered by the NDSD at the taxpayers' expense. She added that she appreciates the fact that he chose not to spend taxpayer money on such wasteful things like a week-long trip to New Orleans for a convention and sightseeing. She stated that as a Boardmember, Councilmember Kimmel was invited to golf and eat for free at a NDSD golf tournament, treat his family to Famous Daves catering at a pool party at the Roy Aquatic Center, and attend a high-end dinner at Christmas. She stated all of these things were funded by the taxpayers' dime. She stated that Councilmember Kimmel refused to attend any of these functions. She stated that she especially appreciated that Councilmember Kimmel opposed a recently proposed a tax increase by the NDSD, although they have \$30 million in a reserve fund. She stated that Councilmember Kimmel has done much to represent the City and she is truly grateful. She stated that he has always shown honesty and integrity in all that he does and she is grateful for his service. She stated he is a rare representative and he truly strives to serve the people. She stated that she hopes that the City Council allows Councilmember Kimmel to continue to serve on the NDSD Board because he has done such a great job.

Craig Johnson, 2148 W. 2375 S., asked if he could defer his three minutes to Ms. Lisonbee, to which Mayor Nagle answered no. Mr. Johnson then stated that he thinks the City needs to evaluate priorities as far as the role of government and budgeting. He stated that the City needs more money than is being asked for. He stated that City has cut budgets before and it may be necessary at this time to consider further cuts, such as cuts or elimination of actual programs, such as sports and other community programs. He stated that funding for roads and public safety should be the City's first priorities. He then stated that he wanted to offer a brief plug for Councilmember Kimmel. He stated that he has a lot of integrity and a good value system. He stated that the Council needs to think carefully before making any rash decisions. He cautioned the Council against jumping to any conclusions before all facts are laid out.

Troy Shingleton, 1343 S. 1600 W., stated that he thinks there is a sense or feeling that everyone on the NDSB Board wants Councilmember Kimmel removed. He stated he has found that is not correct after talking to members of the NDSB Board. He stated he simply wanted that information included in the record.

Randy Miller, 1531 W. 2175 S., stated that someone used an analogy earlier in the meeting comparing a car to the City's roads. He stated that if you drive a car and put miles on it continuously, eventually it will break down. He stated that if you wait to make any repairs on the vehicle, those repairs will get more expensive. He stated the same is true of the City's roads and a tax increase. He stated that this tax increase is necessary and if it is delayed any further into the future the residents will only end up paying more money to repair the roads. He then stated that he astutely figured out, after reviewing his property tax statement, that a \$75 annual increase is not the same as a 28 percent increase. He stated he was able to figure out that the 28 percent advertised increase will not be applied to his entire property tax bill, otherwise the total fiscal impact would be much higher than \$75 per year. He stated he did not have to do a lot of research to figure out that the \$75 increase is applied to the City's portion of the property tax statement and 28 percent in an inaccurate figure that the City must advertise to the residents. He stated that he would be supportive of the Council implementing a tax increase in order to repair the City's roads at a price that is much lower than it will be if the decision is made to wait.

Mayor Nagle stated she wanted to make a few comments. She stated there has been an assertion made this evening that the City Council should look into cutting or eliminating the Recreation Department. She added there has also been an assertion that the City council needs to consider facts and not jump to conclusions. She stated she thinks that is the course of action that should be taken in all areas of the City. She explained that information was portrayed to the Council during a City Council Administration Retreat showing that the Recreation Department is actually very profitable; that information was presented in real numbers and raw data. She stated that she is sure that this information was not disseminated as widely as negative information usually is. She stated that not only is the Recreation Department profitable, but there is a residual effect created by programs and events organized by the Recreation Department and that is that they create a sense of community. She stated that the City could choose to only fund public safety and transportation, but everyone wants to live in a community; a community is about events. She stated that volunteers can organize special events for the City and there was a great volunteer effort to organize the recent Memorial Day program, but that was assisted by City resources as well. She stated that before anyone starts throwing stones at the Recreation Department she would suggest that they become familiar with all facts; the Recreation Department is not costing the City money. She stated that she would encourage everyone to review the data that was presented at the Retreat; it is a matter of public record. She stated that it would be simple to compare the expenses and revenues associated with the Recreation Department as well as for every other department in the City. She stated she agrees with Councilmember Peterson that the comments being made about the Recreation Department are unfair. She stated that the staff and the Council is looking for any "out of the box" solution available to the City; it is easy to make assumptions and assertions, but she believes that every member of the City staff is committed to finding every amount of money available to make the City function and using every resource wisely. She stated she feels strongly that she needs to put that positive information out there because there is a lot of negative information circulating through the community. She stated that she has been on both sides as a citizen and now as the Mayor and it is easy for citizens to make assumptions when they are not in possession of all of the information regarding the management of the City. She stated she would encourage everyone to get all of the facts about the issues they are referencing.

Presentation from Fire and Police Departments regarding a recent grant award

City Manager Rice explained it is one of his goals to keep the Council informed of various staff efforts. He stated that tonight Police Chief Brian Wallace and Police Chief Craig Cottrell will present information regarding grant awards that they have recently received, which will save the City from spending money on much needed services and equipment.

Chief Cottrell approached the Council and reiterated Mr. Rice's comments. He stated that his Department received a regional fire station alerting grant for \$437,188, for which the City must provide a match of \$6,653. He explained this grant will tie all of the dispatch centers in Davis County together and enables them to track and request all fire apparatus in the County and request them for an emergency call without having to relay the request through another dispatch center. He

stated that equipment is currently being installed and the system will be operational in July 2011 and it will cut three to four minutes off of each response. He then stated that another grant that he wrote this year is a FEMA grant for radios; the federal share would be \$45,676 and the City's share would be \$2,404. He explained this funding would be used to replace the radios that the City purchased during the transition to the 800 MHz system when the Olympics were held in Utah. He stated that those radios are starting to fail and this grant will pay for 16 of the new, very expensive hand held radios as well as a mobile radio for the new water tender truck. He explained the radios have smart batteries and the system can tell them when to charge, discharge, or cycle so that the batteries last longer. He stated this is a great grant and his Department is the envy of Fire Departments in other cities for having been awarded the grant. He stated that because he was able to purchase the radios at a discounted rate he is using some of the excess funding to purchase a system, which is already partially installed, that will tie the radios to a Fire Fighters self contained breathing apparatus (SCBA) which will allow the Fire Fighter to talk into the SCBA rather than holding a radio while fighting a fire. He then explained that he also applied for a bureau of EMS grant; the State's share is \$500 and the City's share is also \$500. He explained the funding will be used to purchase a mobile Gateway that will transmit a 12-lead EKG to the hospital, which will allow a patient to have their heart rhythm diagnosed sooner so that earlier definitive treatment can be provided in the cardiac lab in lieu of a patient waiting in the emergency room at the hospital. He stated this is a very good grant even though it is a fairly small amount. He then reported that he has written some additional grants that he has not yet received a response about. He stated that one grant would be used to purchase an arson trailer that would be a regional asset that would be used by the regional arson team, which Syracuse City participates in. He added he has also written a grant that would be used to purchase equipment for the new fire tender truck. He stated he is also working on an emergency operations center (EOC) grant that would be used to equip the City's EOC, which is housed in the training room at the Fire Station. He stated he would purchase additional radios and equipment that could be used in an emergency. He stated that the nation is in a financial crisis and the money available for grants continues to decrease every year. He stated that the Obama administration has made some changes to fire grants in that half of the money available should be used for equipment and half used for staff. He stated the problem with that is that most Fire Departments can not afford to match staffing grants so that money is not getting spent and grants are being turned down. He stated that the money available for equipment continues to decrease. He referenced the EOC grant he mentioned earlier and explained that there was previously a pool of money totaling \$100 million that Fire Departments could request a share of and now that amount has been reduced to \$14 million. He stated, however, that he will continue to look for every funding option available. He stated he was recently told that someone made the following statement to describe his Department: "It is a bucket that City continues to pour money into and nothing is coming out." He stated that is not his intent.

Mayor Nagle stated that she thinks that Chief Cottrell and the Fire Department are doing a great job and she commended him for being so proactive in seeking grant funding. She stated that she agrees that the Fire Department could be viewed as a bucket that the City pours money into, but there are a lot of services rendered in return and she appreciates that.

Councilmember Kimmel asked Chief Cottrell to provide the Council with the total amount of grant funding he will have received if he is awarded every grant he has applied for. Chief Cottrell stated that the total is close to \$900,000. He stated he is hopeful of reaching the \$1 million mark soon, though that will be difficult since grant opportunities continue to decrease.

Police Chief Wallace approached the Council and reiterated Chief Cottrell's comments regarding the fact that federal grant opportunities are disappearing year after year. He stated that many of the grants previously available for personnel are no longer being awarded in the State of Utah. He stated that, however, that there is a lot of federal money available through the highway safety department or health department that help to benefit society by making road safer. He stated the click it or ticket grants are a good example of a health department grant; the health department acknowledges that seat belts save lives so they have provided grant funding to pay for Police Officers to do nothing but write seat belt violation tickets. He stated that his Department has written several hundred seat belt tickets in just the past few weeks; he believes strongly that people need to wear their seatbelts and most of the tickets are handed out for drivers failing to put their children in child restraints. He stated the City got \$8,500 to use over three different seat belt enforcement periods and the Police Officers must use a no tolerance policy. He explained that if someone is not wearing a seat belt they must get a ticket. He then explained the City also received \$12,500 for driving under the influence (DUI) enforcement. He explained he employs road block practices to stop drivers that are guilty of DUI. He stated that the Officers in Syracuse City do a great job of arresting drunk drivers, especially considering the City does not have any bars. He then stated that a crime that is indicative of the era that we are all living in is internet crime against children. He stated that the City has applied for \$25,000 in internet crimes against children (ICAC) grant funding. He stated that he has a couple of officers that are trained to work with ICAC and over a number of years the City has arrested many people that solicit children or target children in Syracuse City. He stated that unfortunately this is a crime that is becoming much more prevalent. Mayor Nagle stated that at Jensen Park there are currently cutouts of children on display and there is a banner that says that this many kids were sexually assaulted in

Davis County last year. She asked if the ICAC funding helps to deter some of that behavior. Chief Wallace stated that the ICAC funding helps to address some of those situations, but it does not help in all situations such as families that are participating in abnormal sexual behavior with children. He stated that his highest priority throughout his career has been protecting children and he thinks that sexual abuse is the most damaging abuse for a child - worse than alcohol and drugs. He stated there are several tools besides the ICAC funding that are available to help to combat abuse against children. He then stated that the next slide in his presentation deals with the asset seizure grant and the City received \$2,529.40 which assisted in the purchase of three VIEVU body cameras. He stated the equipment must be used for drug prevention; the officers can wear the cameras in interviews and while on patrol and dealing with suspects. He then explained the City received a grant of \$7,500 from the State of Utah Commission on Criminal and Juvenile Justice (CCJJ) that was used to purchase live fingerprint scan equipment. He stated that the City has used ink and cards for decades, but this new equipment will allow the Department to obtain better quality fingerprints. He added that the City can charge for some fingerprinting, which will bring enough revenue in to the City to eventually pay for the system. He stated that his goal is to be more efficient and eventually book and release offender's right at the Police Station, which will prevent the need for an officer to drive an offender to Farmington to be booked. He then stated that the City has an ongoing grant that he applies for that will pay for half of an officer's bullet proof vest. He stated that he recently received another \$5,000 to be used to replace old vests or purchase vests for new officers. Mayor Nagle inquired as to a life span of a bullet proof vest. Chief Wallace stated vests will last five to seven years depending on use. He stated that all of his officers, including detectives, are required to wear a vest when on patrol. He then reported that the City's police dog was retired and the Department purchased a new dog for \$4,500. He stated that cost was paid for entirely via donations. He stated Wal-Mart gave approximately \$2,000 and other donations made up the remainder of the money spent. Mayor Nagle asked if the dog is fully trained and working now. Chief Wallace stated that he is not yet trained and he will be attending the K-9 academy to become certified to identify narcotics and to track. He stated the final grant he wished to report on is \$7,500 from the CCJJ that was used to purchase narcotic identification kit (NIK) drug testing kits, two computers with printers, and conversion kits for AR-15 assault rifles. He stated the drug testing kits will be used in schools to help them identify students that are using narcotics or controlled substances. He stated that the conversion kits for the rifles are used to allow the Department to use less expensive ammunition in the rifles to save a significant amount of money in training. He stated the total amount he has received in grants over the past couple of years has been \$35,000 to \$50,000 and he anticipates reaching that same amount this year. He reiterated the larger grants that published increasing personnel levels are no longer available.

Syracuse Outdoor Expo Presentation

City Planner Andersen approached the Council and explained that his Department has been working on developing marketing strategies to help entice businesses to locate in the City and bring more visitors to the area. He stated that a concept he has been working on is to host a Syracuse Outdoor Expo, which would be the "kickoff to an outdoor summer". He asked the Council to remember that this event is still very much in the development phase and he explained that the idea is to hold the expo on the weekend before Memorial Day 2012. He stated it would give everyone in the community an opportunity to start planning for their outdoor adventures in Utah. He stated there are many outdoor expos including the International Sportsman's Expo that is held annually in Salt Lake City and the GO Expo, which was held recently in the Southtowne Mall. He stated the International Sportsman's Expo is geared towards hunters and fisherman while the GO Expo is geared towards rock climbers and cyclists. He stated that his idea is to create a hybrid of those two formats and he feels this would be an opportunity to brand Syracuse as an outdoor community. He stated there are so many great outdoor opportunities in the City and he pointed out that the road heading to Antelope Island runs right through the middle of the City. He stated Antelope Island provides great outdoor opportunities year round. He stated the Expo would be an opportunity to encourage businesses outside of the City to consider what Syracuse has to offer to outdoor enthusiasts. He then stated that he envisions holding the Expo beginning on a Friday evening and running through Saturday afternoon. He provided a map of the City and stated that Founder's Park could be home to small vendors participating in the Expo. He added that there could also be different activities going on at the park, such as a climbing wall activity, cook offs, and performances. He stated that Jensen Nature Park could be home to a fishing competition as part of the Expo. He stated the competition could be held on Saturday morning and it would be very exciting for a lot of people in the community. He added that he would also like to have an animal viewing area at the park and he suggested the City could partner with Antelope Island and ask them to provide buffalo, antelope, deer, and elk. He stated one of the vendors may also be willing to host a cooking demonstration or some other similar activity. He stated the final location would be the City Hall site and this is where the big equipment would be located. He stated vendors would be invited to bring camp trailers for people to tour and all terrain vehicles (ATV's) for visitors to test drive.

Mr. Andersen then stated that he anticipates being asked what the cost of this type of activity would be. He stated the only cost the City would bear would be for staff time spent planning the event. He stated the City would charge application fees to vendors coming to the Expo and the size of the Expo would be dictated by the amount of time staff has available to spend on planning efforts. He added that he would like to create a committee made of volunteers to help plan the event. He stated that he created a list of benefits that he believes the City will realize if such an event is held here. He stated the biggest benefit would be an increase in sales tax revenues. He stated that the City typically sees a 10 percent increase in sales tax during the month of June and that increase can be attributed to the Heritage Days event held in the City. He stated he believes the same would be true of the time period that the Expo would be held. He then listed additional benefits such as increased economic development opportunities, exposure of the City Center, outdoor experiences for locals and vendors, improved quality of life, and a strengthening of the City's relationship with Antelope Island. He noted that last year there were 270,000 visitors to Antelope Island and it is important for the City to strengthen the relationship with the Island to increase the viability of local businesses. He then stated that the steps that need to be taken over the next two to three months include gaining Department Heads' buy-in for the event. He explained that he provided a similar presentation to all Department Heads and there was a lot of great feedback and recommendations regarding the event that would be viable. He stated that he would like to work on branding and design for the event, a layout of vendor booths, creation of volunteer committees, creation of an outreach list, partner development, determining which activities to provide, drafting marketing info, and reaching out to potential vendors. He stated this is an opportunity for the Council to provide feedback regarding the proposal.

Councilmember Shingleton stated he feels this is a great concept that is long overdue. Councilmember Clark added that he is excited about the proposal. Mayor Nagle stated she is excited as well. Councilmember Clark stated that regarding the fiscal impact of such an event he wants to remain somewhat conservative, but he thinks the event has great potential. Mr. Andersen stated the potential is very exciting and he would like to see what could happen at the event in its first year. He stated he thinks it is an event that could grow year after year. He added that the GO Expo that he referenced earlier was charging vendors \$600 for a 10 foot by 10 foot booth and he thinks the City would not have any problems getting vendors excited about participating in an outdoor event in this area. He stated he believes there is the potential to generate revenue with the event.

Presentation regarding iSyracuse phone application

Mr. Andersen stated that he is making this presentation in response to a request from the City Council. He stated he was asked to research the viability of an application that could be downloaded to smart phones; the application would be called iSyracuse. He stated that other cities – Draper, Ogden, and Eagle Mountain – already have or will soon have similar applications. He stated that the application could eventually be loaded onto any device that has internet access and it would be free to any user. He stated that there are many great features, including the business director that would provide information about any business located in the City. He stated that he is hopeful that such information being made readily available to residents would keep in the City where they will spend their money at retail outlets or restaurants. He stated that any merchant participating would be given the option of developing avenues that customers could use to access them through the application. He then stated there is also the option of including community information on the application where the City could include a calendar of events and advertise other information about the City. He reviewed facets of the iOgden application for the benefit of the Council and audience. He stated the impact of the application would be to grow the local economy, increase the local quality of life, and present the City as a leader in innovation. He stated reiterated that only three cities in the State currently have a similar application and none of those cities are located in Davis County. He then reported the cost of the application includes a \$5,000 start up cost plus \$200 per month to pay for ongoing updates and changes to the application. He added that there would likely be an annual five to 10 percent increase each year to cover the providers cost increases. He stated that the designer is always interested in any ideas, if the Council would like to make any recommendations. He then stated that if the City decides to move forward with development of the application it could be live in two to three months.

Mayor Nagle asked if the five to 10 percent increase Mr. Andersen referenced is in the monthly cost of the application, to which Mr. Anderson answered yes. He stated that estimate is based on increased cost of doing business and adding extra features to the application. Mayor Nagle asked if any of the costs are dependent on the number of people that download the application. She also asked if there is a cost for customers to download the application. Mr. Andersen explained there is no cost for people to obtain the application and the monthly cost charged to the City is not based on the number of users. Mayor Nagle asked if there is any way to fix the monthly charge that would be charged to the City. Mr. Andersen stated that the vendor will not fix the cost because he believes his own costs to provide the application will increase on an annual basis.

Councilmember Ocana asked if there will be a cost to the businesses that will advertise via the application. Mr. Andersen stated businesses can advertise certain information for free, but there are additional features that the vendor can offer to businesses, for which they would be charged.

Mayor Nagle asked if there is more than one vendor that develops iCity applications. Mr. Andersen stated he has not been able to find additional vendors. GIS Technician Moyes stated that is correct. He then added that one exciting feature that was not included in Mr. Andersen's presentation is the ability for a resident to take a photo of something like a pothole in the City and send it to the City through the application. He stated a work order will then be generated by the City including the exact location of the problem.

Mayor Nagle stated she is curious to find what types of increases monthly costs the other three cities experienced. She stated she loves the idea of developing the application, but she does not want to make a commitment only to find out that the increase will actually be more than five or 10 percent each year. Mr. Andersen stated that information would be included in the contract; he would not recommend moving forward unless that amount is clearly defined. Mr. Moyes agreed and stated the increase would be no more than 10 percent.

Councilmember Shingleton asked how long the application developer has been in business. Mr. Moyes explained that he launched the first application for Ogden City in November of 2010. He stated the application has been very successful and the vendor has approximately 10 other cities that are in the process of negotiating contracts with him.

Mayor Nagle stated she likes that staff is being innovative and she acknowledged that most communication is done via technology and the more opportunities the City has to tap into technology opportunities the better. She stated she believes it would increase the business base, which would also increase the sales tax revenue realized by the City. Mr. Andersen added that it will increase the City's connection to the public and increase efficiencies and an improved quality of life.

Councilmember Peterson asked if there is any way to determine how many residents have smart phones and would take advantage of the application. Mr. Andersen stated he does not currently have access to that type of information, but he believed it would be a great question to include on a survey to be submitted to the citizenry. He also reminded the Council that the application can be used by anyone with access to the internet via any device; it is not limited to smart phone users.

Councilmember Clark asked if the application would be accessible to apple and droid users, to which Mr. Andersen answered yes.

Mayor Nagle thanked Mr. Andersen for the information and applauded him for his innovation.

The Council then took a five minute break.

Discussion regarding City's representative on NDSB Board

Mayor Nagle stated that over the last several days she has received emails from some residents regarding this issue; some were addressed only to her and some were sent to the entire Council. She stated that in response to those emails she wants to be clear about what is happening in the City. She stated one email accused the City Council of being the judge, jury, and executioner relative to this situation. She stated the truth is that the Council is simply responding to a request from the North Davis Sewer District (NDSB), which is one of the City's very important inter-governmental partners. She stated they have requested that the City appoint a new member to the NDSB's Board of Trustees. She stated she has been personally been accused of being behind this problem for political reasons; therefore, she asked for the minutes of the meeting of the NDSB where the issue with Councilmember Kimmel was initially discussed. She added that she also asked for the letter sent to Councilmember Kimmel informing him that the County Attorney had been asked to conduct a criminal investigation into the matter. She stated both of those documents have been included in the packet of information that was provided to each member of the City Council prior to this meeting. She stated there is no assumption of guilt, but there is an assumption that she wants to be a good business partner and have a good relationship with inter-governmental partners. She stated Syracuse City has not always done that and that has caused many problems for the City. She stated that there was a discussion earlier tonight about the fact that the City is constantly seeking grant funding for things like road projects; recently the City aggressively sought a \$1 million grant for 1000 West. She stated that ultimately one of the reasons that the City was not awarded the grant was because "we don't play very well with other people". She stated the City has suffered significantly because important relationships have not been nurtured. She stated that when an inter-governmental partner comes to the City and asks for a replacement because they have – in the NDSB's own words – lost confidence in the City's appointee, her first instinct is not to assume guilt, but to assume that the City's representative is no longer working with the other members of the board in an effective manner. She stated she resents the fact that this issue has been misconstrued and misinformation exists to the affect that she is "behind" this issue. She stated it is not a secret that she and Councilmember Kimmel have disagreed on issues, but she does not stoop to that level and she has not. She stated she would like to start the conversation about the City's appointment of a representative on the NDSB Board of Trustees.

Councilmember Clark stated that his main concern is not whether something illegal actually occurred; rather, his concern is whether the City can be properly represented on the NDS. He stated it is obvious that some situation has arisen and he does not want to try to determine what that is, but he finds himself wondering if the City can be represented in an appropriate manner. He stated that he simply wants to do the right thing for the City. He stated in his mind there are some options available to the Council. He stated they can choose to make no changes and allow Councilmember Kimmel to continue as the City's representative; choose to replace Councilmember Kimmel with a permanent appointee; or appoint an interim representative to serve until the situation with Councilmember Kimmel is resolved. He stated he feels that all three options should be discussed by the entire Council. Councilmember Peterson asked Councilmember Clark what he means by having the situation with Councilmember Kimmel resolved. Councilmember Clark stated at some point there will be a criminal charged or the like filed or the issue will be dropped. Councilmember Peterson asked what would happen if after that point in time the NDS still says that they do not have confidence in the City's representative. Councilmember Clark stated the Council could discuss the issue again and decide what course of action to take.

Councilmember Shingleton stated that one thing the Councilmembers need to keep in mind is that it is the City's appointment, not the NDS's appointment. Mayor Nagle stated that is correct, but the NDS can legally remove the City's appointment.

Councilmember Peterson stated he concurs with Councilmember Clark's comments and he stated that he does not want to try to determine whether any improprieties took place; rather he wants to do what is best for the City.

Councilmember Shingleton stated he could support the third option mentioned by Councilmember Kimmel. He stated he felt that would be the fairest decision the Council could make at this point in time.

Mayor Nagle stated she would like to hear from Councilmember Kimmel. She stated there is a lot of information as well as misinformation circulating through the community. She stated that based on what Councilmember Kimmel said during the NDS meeting and based on the training that the Council receives annually relative to the Utah Ethics Act, she would like his response. Councilmember Kimmel asked Mayor Nagle what her particular question is. Mayor Nagle stated she wants Councilmember Kimmel's response. Councilmember Kimmel asked Mayor Nagle if she wanted a response to the NDS minutes or the allegations. Mayor Nagle stated she is giving Councilmember Kimmel an opportunity to put his voice out there.

Councilmember Kimmel stated that he thinks this situation is unfortunate. He stated that in his mind the minutes that have been presented to the Council are not all of the minutes of the meeting; a lot of information is missing and a lot of other things were said. He stated that for him, this situation is very unfortunate. He stated that he did not do anything wrong and the allegations are false. He stated that the confidence that the sewer board has in him may or may not be in question; it would be up to them to vote and decide whether they do or do not have confidence in him.

Mayor Nagle asked Councilmember Kimmel if he is saying that he did not stand to gain financially from the land purchase deal being considered by the NDS. Councilmember Kimmel stated that he never agreed to gain financially from his participation. Mayor Nagle asked Councilmember Kimmel why he said during the NDS that he was recusing himself because he stood to gain financially. She read the following quote from Councilmember Kimmel as included in the NDS minutes:

"I need to disclose to the Board that when the discussion on purchasing this property some six/eight months ago, I referred (who I worked with) Luke Barber to Kevin on this property and. . .which is commercial real estate and through that referral I can incur a referral fee which I have negotiated with and, therefore, I will recuse myself from this because I can gain financially."

Councilmember Kimmel stated that his response can be summed up in one line; there was a passing conversation and it was said "hey, you referred this to me – do you want a fee?". Councilmember Kimmel stated his response was that was something that could take a long time to work out and there could be a lot of twists and turns and he was not interested in having anything concrete they could discuss it later if at all. He stated the word negotiate is an overstated word because if he were to ever really negotiate a fee it would be in a contract even though he was working with someone that he worked with personally in his own office. He stated that if he was working with any real estate agent, even one from his own office, he would get that type of information in writing. He stated that brokers make decisions on how commissions are split and dealt out and if someone does not have their side in writing they can definitely be hurt by that. He stated that Luke, the agent, was just an agent in the office and was not a business partner of his; he was one of many agents that he works with and he referred this to him because that is what he does and that is what he specializes in. He stated if he had wanted to get a finder's fee from Luke he would have executed a contract about that. He stated the assumption that he was trying to "pull one over" is one of the most appalling things to him. He stated to make the assumption that he is a crooked politician looking to "line his own pockets". . . He stated if that were the case he would not have said a word about it because not many people pay attention to what is going on at the NDS and no one has been the wiser if he would have taken care of getting the fee

without anyone else's knowledge. He stated, however, that in his desire to be transparent as possible he decided to disclose that there had been a brief conversation about a fee.

Councilmember Clark stated that the NDSB minutes read that Councilmember Kimmel used the word 'negotiated' and he asked if the minutes are incorrect. Councilmember Kimmel stated that he was using terms that a real estate agent uses. He reiterated that if he had truly negotiated a finder's fee there would have been a contract. Councilmember Clark stated the word 'negotiated' is the one word that bothers him the most because when he thinks about a negotiation he thinks of a back and forth dialogue after which two parties reach a consensus. Councilmember Kimmel agreed, but stated that did not occur. He stated that it was a misstatement and the word is overused.

Mayor Nagle asked Councilmember Kimmel why he recused himself from voting if he did not truly stand to gain financially. Councilmember Kimmel stated he was trying to be as transparent as possible. He stated an offer was made for him to receive a fee, though nothing was concrete. Mayor Nagle asked Councilmember Kimmel if there was a possibility that he gain financially from the land deal. Councilmember Kimmel reiterated the offer was made for him to receive a finder's fee, but he never entered into negotiations or agreed to anything.

Mayor Nagle stated that when the City was in the process of working with the Utah Department of Transportation (UDOT) to try to determine the best route for the West Davis Corridor (WDC) she asked Councilmember Kimmel to recuse himself from some conversations because there was a possibility that the WDC could travel through his neighborhood and personally impact him, Councilmember Kimmel's response was that he could be completely neutral in the process while engaging in conversations and that his ability to engage in those conversations would not be impacted by whether he could be personally affected. She stated that her sense from Councilmember Kimmel's comments were that unless the road was definitely going to travel through his subdivision and he knew that for a fact, he would not recuse himself. She stated that when it was confirmed that he would be personally affected by the road he would recuse himself. She stated that those comments set a precedent in her mind. She stated in the case of the NDSB issue Councilmember Kimmel did recuse himself from a vote and stated that his business associate had been involved in the transaction and that he stood to gain financially after negotiating. She stated that the NDSB asked that their secretary transcribe the minutes of the meeting in question in a verbatim fashion in order to get Councilmember Kimmel's comments into the record word for word. She reiterated that based on past history and the event where Councilmember Kimmel would not recuse himself during the WDC discussions she is having a hard time believing that Councilmember Kimmel was not going to gain financially from the NDSB land transaction because he did recuse himself from that vote. She stated that ultimately that is not for the Council to determine; rather, the Council has been asked by the NDSB to appoint a new representative to their Board of Trustees and the Council must deal with that request. She stated that she has been asked to contact the NDSB in the morning and inform them of the decision made by the Council tonight. She stated that she has been told that if the Council does not appoint a new representative this evening the NDSB Board of Trustees will take action at their next meeting. She stated the NDSB has never removed one of their own members. She stated the NDSB is one of the entities that the City has been able to develop a good relationship with over a long period of time and she would hate to damage that relationship by communicating to them that the City is not interested in being a good intergovernmental partner. She reiterated that it is not up to the Council to determine if any wrongdoing took place; that determination will be left up to the Davis County Attorney. She stated that if the Council does decide to move forward with appointing an interim representative she would like to be that appointee and when the appointment is made is permanent she would recommend that Councilmember Peterson be appointed.

Councilmember Clark stated that Mayor Nagle has been the most involved and had discussions with the NDSB about this issue and she asked her how she felt they would react to an interim appointment. Mayor Nagle stated she believed the NDSB would proceed with removing Councilmember Kimmel from the Board. She stated she was contacted by the Chair of the NDSB Board of Trustees, Ivan Anderson, who indicated that all but one of the Boardmembers were in favor of removing Councilmember Kimmel from his position. She stated that this could be a 'game of chicken', but she does not think that is the case based on the amount of emotion that was present in the NDSB meeting and the perception of evil or wrongdoing. She stated that the biggest issue is the perception that is out in the community. Councilmember Clark stated that is his concern as well and he wants to do what is right for the City. He asked how the rest of the Council felt.

Councilmember Ocana stated that he has been listening to what everyone has to say and he agrees that it is not the Council's role to determine whether something wrong took place. He stated that he also agreed that there is a possibility that Councilmember Kimmel could be ineffective as a member of the Board after all that has taken place; Boardmembers may have lost confidence in him. He stated that he had not thought of the suggestion of appointing an interim appointment, but he thinks that is a good idea. He stated he understands that the NDSB could still move forward with removing Councilmember Kimmel from his position and that would be their prerogative. He stated that he also agrees that this whole situation is unfortunate for all the citizens of Syracuse City. He stated that it is important to maintain relationships with other governmental entities and it is simply unfortunate that Syracuse is being seen in a less than positive light. He stated that he

listened to Councilmember Kimmel's comments and the only thing he did not hear him say is what action he feels the Council should take. He stated that information will not necessarily help him make a decision, but he would like to hear Councilmember Kimmel's idea on how the Council should proceed.

Councilmember Kimmel stated it seems that the proposal of appointing an interim representative might have some momentum and he does not have a problem with that recommendation. He stated that would allow some time for an investigation to be completed. He stated he is confident that the investigation would be fruitless, but an interim could attend the NDSB meetings until the issue reaches its finality. He stated he would be supportive of that.

Councilmember Peterson asked Councilmember Kimmel if he feels he could be an effective member of the NDSB if he is allowed to retain or regain his position. He stated that Councilmember Kimmel did not even attend the last NDSB meeting. Councilmember Kimmel stated that is true and Councilmember Peterson's question is a good one. He stated that the issue of whether he would regain his position on the Board will depend on the outcome of the investigation. He stated that if nothing comes of the investigation but the NDSB still feels that they can not have confidence in him and the City Council agrees then he would consider resigning from the position at that point if that were the best thing for the City.

Councilmember Ocana stated that he has a question; if the Council chooses not to act on the NDSB's request and the Board of Trustees instead removes Councilmember Kimmel from his position, will the City lose its right to appoint a representative to the Board. Mayor Nagle answered no and stated the Council would still have the opportunity to appoint a representative.

Mayor Nagle asked City Attorney Godfrey if there are any issues with appointing an interim representative. Mr. Godfrey stated that the removal power is clearly defined in State Code, but it is not clear whether the Governing Body has the authority to appoint someone on an interim basis. Mayor Nagle stated that she wanted to make sure that the Council could change its appointment three or six months down the road if they so choose. Mr. Godfrey stated he could not see any problem with that.

Councilmember Shingleton stated he did not think there should be anything in State Code prohibiting an interim appointment. He stated that if someone had a health issue the Council should be able to appoint an interim representative to serve for them.

Councilmember Clark stated his bottom line is doing what is best for the City. He stated he understands there are personal issues present, but he simply wants to do what is best for the City. He stated he also wants to preserve the City's relationship with the NDSB. Councilmember Ocana stated he is putting the personal issues aside. He stated the NDSB has communicated to the City that they are lacking confidence in Councilmember Kimmel and he could be ineffective on the Board. He stated that could change in the future. Councilmember Shingleton stated that it is very possible that could change if it is determined that the NDSB is 'making a mountain out of a molehill'. Councilmember Ocana stated he also wants to do what is right for the City. He stated he would be comfortable with voting for an interim appointment. Councilmember Peterson stated it would not really be an interim appointment; it would be viewed as a permanent appointment. Councilmember Ocana stated the Council has the knowledge that if nothing comes of the investigation regarding the situation that Councilmember Kimmel could potentially be reappointed.

Mayor Nagle asked if there is consensus on the Council to appoint an interim representative pending the outcome of the investigation. Councilmember Clark stated he would personally like to make an appointment that will expire six months from now. He stated that if the situation is not resolved at the end of six months he would like for the person serving as the interim appointee to be given the appointment on a permanent basis. He stated he does not want the situation to consume the Council for a long period of time. He asked Mr. Godfrey if that type of action would be legally binding. Mr. Godfrey stated that the Council is entering a gray area. He stated he would suggest that the Council simply make an appointment tonight but not include in the resolution any language about the appointment expiring after six months. Mayor Nagle stated she would be comfortable with that. Councilmember Kimmel noted that elections will be held this fall and there may be some new Councilmembers in January of 2012.

City Manager Rice suggested that the Council move forward with adopting a resolution and give staff direction to calendar the issue for further discussion in January 2012. City Recorder Brown stated that all Councilmember appointments are reviewed on an annual basis at the beginning of each new year and this appointment is no exception.

Mayor Nagle reiterated that she would like to be appointed as the interim representative.

Councilmember Shingleton stated he would like for a member of the Council to be appointed as the interim appointee. Mayor Nagle stated she is a member of the Council. Councilmember Shingleton stated he understands that. Mayor Nagle asked Councilmember Shingleton what the problem would be with her being appointed. Councilmember Shingleton stated the problem is that the Mayor already has an awful lot to do. Mayor Nagle stated she has plenty of time.

Councilmember Clark stated he understands that the appointment is made by the Mayor with advice and consent of the Council. Mr. Godfrey stated that the City's ordinances do not confirm that and State statute simply says this type of appointment responsibility belongs to the Governing Body.

Councilmember Ocana asked if there is any other member of the Council that would like to be considered for the appointment. Councilmember Peterson stated he would like to be considered. Councilmember Shingleton stated he would like to be considered as well and then added that the appointee has always been a member of the Council. Mayor Nagle reiterated she is a member of the Council. Councilmember Shingleton stated he understands that.

Councilmember Clark stated that he would like to review the current makeup of the Board; there is a Councilmember from West Point, and a Councilmember from Layton. Mayor Nagle stated there is a Councilmember from Sunset as well. She then added that Layton Mayor Steve Curtis sits on the Wasatch Integrated Waste Management District (WIWMD) Board of Trustees. She stated it is not uncommon for a Mayor to participate on these types of Boards.

Councilmember Kimmel stated the entire NDSB Board is made up of Councilmembers and no Mayors, with the exception of Chair Ivan Anderson, who is not an elected official.

Councilmember Peterson stated that the Mayor said earlier that if the appointee is temporary she would like for herself to be appointed, but if it the appointment is made on a permanent basis she would recommend him and he asked for the Mayor's reasoning behind that statement. Mayor Nagle stated that she has tried very hard, whether people like her not, to reach out to all of the City's community partners and build bridges and forge relationships the City has never had. She stated she is not saying that Councilmember Peterson could not also do that because she thinks he could, but she really wants the opportunity to try to improve the relationship between the City and the NDSB. She stated that the City had a tremendous working relationship with the NDSB when former-Councilmember Knight was the City's representative; the City received a lot of benefits as a result of the great relationship he built and she wants to restore that relationship. She stated there is a big division that needs to be healed and she wants to do that. She stated she does have a lot 'on her plate', but she has never not met a commitment. She stated that everything she does, she does to the nth degree. She stated that she attends to all of her City appointments; she participates regularly with the Wasatch Front Regional Council (WFRC), TRANSCOM, etc. Councilmember Shingleton stated that is his point; Mayor Nagle has so many other responsibilities and there are other Councilmembers that do not have much.

Councilmember Kimmel asked Councilmember Peterson what his current responsibilities are. Councilmember Peterson stated that he is a member of the Employee Appeals Board and three or four Community Councils, but nothing that meets on a regular basis. Councilmember Kimmel asked Councilmember Peterson if he is going to seek re-election. Councilmember Peterson asked if it matters. Mayor Nagle answered no. Councilmember Kimmel stated it matters to him because in his mind the interim appointee would be the ideal person to become the permanent appointee because they would gain experience by participating with the Board over the next six months. He stated he would lean towards appointing someone other than the Mayor that plans on being on the Council for a longer term. Councilmember Peterson stated that even if does seek re-election there is no guarantee that he will be re-elected and be a member of the Council to continue as the permanent appointee. Councilmember Kimmel stated he simply wanted to know what Councilmember Peterson's intentions are. Mayor Nagle stated it should not matter what Councilmember Peterson's intentions are; the only thing the Council should be considering tonight is who should be appointed to the NDSB. Councilmember Clark agreed. Councilmember Kimmel stated he is trying to determine who should be appointed to represent the City for the next six months and ultimately the next two years.

Councilmember Clark stated that he would be comfortable appointing either the Mayor or Councilmember Peterson. Councilmember Shingleton stated that since the Council can not vote on this issue during this meeting it is pointless to continue the discussion.

Discussion regarding special meeting agenda items five and six

Staff recommends that the Council consider during their special meeting a resolution amending the City's personnel policy manual to allow for certain employees to exempt out of the Utah Retirement System (URS) Retirement and elect to having an equal amount of money contributed to a 401(k) retirement account. URS policy only allows up to 50 positions or a number equal to 10% of eligible employees, whichever is less, to make this election. Currently the City has 70 employees qualified to participate in the URS Retirement. This allows seven employees to elect to opt out of URS retirement. In addition to the 7 employees, the City Police Chief, City Fire Chief, and any elected officials who are eligible to participate in URS can also elect to exempt out of URS. URS policy requires that the City identify positions that qualify for exemption in an employee exemption plan (our policy and procedures manual). Staff provided a comparison chart including information regarding the policies of other cities/entities that allow their employees to opt out of the URS.

- o Clinton City – does not currently have any employees exempted out of URS.

- Layton City - contributes 20% to a 401(k) – this includes a portion for 401(k) match.
- Kaysville City – contributes equal percentage to a 401 (k) – currently 13.77%
- Bountiful City – contributes 14.7% to a 401(k) – this includes a portion for 401(k) match.
- State of Utah – contributes equal percentage to a 401 (k) – currently 13.77%.

Staff recommendation is for Syracuse City to contribute an equal percentage to a 401(k) for employees that elect to exempt out of URS retirement. New employees starting employment on or after July 1, 2011 are not allowed to exempt out of URS retirement.

Finance Director Marshall approached the Council and summarized his memo. He added that the proposed resolution would amend the personnel policy manual by including a list of employment positions that would be allowed to opt out of the URS. He stated that would basically be Department Heads and the City's Fire and Police Chiefs.

Councilmember Clark asked if the entire amount that the City would have deposited into the URS for these employees must be put into a 401K or can it be divided by continuing to make a deposit into the URS and depositing the remainder into a 401K account. Mr. Marshall stated that the policy simply states that employees can opt out of the URS; it does not specify what must happen to the money after that point. Councilmember Clark stated that Mayor Nagle had some concerns the last time the Council talked about this issue and he wanted to make sure her concerns are addressed. He stated he sees the benefit to those employees that would be allowed to opt out of the URS, but he shares the Mayor's concern that if the money is deposited into a 401K the employee holding that account becomes more portable. He stated contributing into the URS gives the employee the incentive to maintain public employment because they can not gain access to the money in the URS until they retire. Mayor Nagle clarified that employees can not gain access to their URS contributions until they become vested and to become vested they must maintain public employment for a period of at least four years.

Councilmember Clark asked if there is something prompting this discussion; has a City employee made a request for this change. Mayor Nagle answered yes.

Councilmember Clark asked if it would be a violation of URS policy for the City to decide to contribute half of the current contribution amount into a 401K while continuing to deposit the other half into the URS. Mr. Marshall stated he did not believe that would be allowed. Mayor Nagle agreed.

Councilmember Kimmel stated he would like to see a short list of pros and cons. He stated he knows the Council has discussed the issue somewhat, but he would like to know what the benefits would be to the employees and why they would want to opt out of the URS. He stated he would also like to know why the employer would not want to allow their employees to opt out. Mr. Marshall stated that the biggest issue for the employer would be the employee's portability. Mayor Nagle stated that is a huge issue. She stated that it would be a nice recruitment tool to offer employees control over their retirement accounts from day one of employment, but it is a drawback for the employer because the employer always runs the risk of losing good employees that may have a great amount of institutional knowledge. She added that URS is notoriously conservative in their offerings of where employees can invest their money and it is difficult to realize a great return on investments; but, one of the benefits of them being so conservative is that they have a very sound retirement program. She stated that for someone that is working in public employment as a second career, they probably are not invested in trying to build another retirement account so the opt out program would be more beneficial to him and it would not be a drawback to the City. She stated that there are pros and cons on both sides; she does not think either outweighs the other.

Councilmember Kimmel asked if there is another large entity that has made this policy change and what has happened as a result. Mayor Nagle stated that many employers have done away with traditional retirement packages and moved towards 401K accounts. She reiterated that makes employees portable. She stated that the big difference is that amount of money that would be contributed into a 401K; the City would be contributing approximately 13 percent into a 401K while private employers typically contribute a much lower amount.

Councilmember Peterson asked if we could put a stipulation in the Policy Manual saying that employees can not opt out until they have worked for the City for a minimum of two years. Mayor Nagle stated that according to URS policy, after July 1 employees would not be allowed to opt out.

Mr. Rice stated that the State of Utah is trying to move towards more of an opt out program so that they are not forced to maintain a retirement fund. He stated that after July 1 they will be operating a hybrid program with different types of employees. Councilmember Clark stated that the staff memo states that new employees starting employment on or after July 1, 2011 are not allowed to exempt out of URS retirement. Mr. Marshall stated that new employees have two retirement options to choose from; one is similar to what current employees have and another is that all contributions will go directly to a 401K rather than a retirement account. He stated he believed that new policy would be in effect in July, but he will further research the issue to ensure he is correct.

Councilmember Kimmel asked if the Council is being asked to decide whether to give employees the option to opt out of the URS. He asked if that decision must be made by July. Mayor Nagle answered yes and explained that employees would have the option of completely opting out of the URS and getting the amount the City was contributing deposited into a 401K instead. Mr. Rice stated the bottom line is that the employee would have the option of managing their own retirement benefits. Mayor Nagle stated that the City will not deposit the money into the 401K for the employee. Mr. Marshall stated that is not correct; the City would deposit the same contribution that would have been made to the employee's URS account into a 401K instead.

Councilmember Kimmel stated he would like to research this issue further. He stated that he understands that all employees want more choices about their benefits and he feels it would be good to give employees more options.

Mr. Rice stated that this option would not cost the City any additional money and it would actually save the URS more money in the long run. Mayor Nagle stated there will actually be a cost to the URS; if an employee leaves before working for a public employer for four years they are not allowed to take any money with them and the URS is allowed to keep any contributions made on that employee's behalf. She stated that there is a fairly high turnover rate in public employment and if all of those employees were allowed to have their employer contribute to a 401K rather than the URS, the URS would suffer. She stated, however, that she thinks this is a good idea and would like to give the group of employees a choice about how to manage their retirement accounts.

Discussion regarding Title Six rewrite of the Syracuse City Code

Mayor Nagle stated that Title Six of the City Code includes alcoholic beverage regulations, which is a very sensitive subject in this City. She stated that the proposed rewrite of Title Six has been included in each Councilmembers packet for review, but she would recommend tabling the discussion of the document until the next Council work session. She stated that there are significant changes to the State alcoholic beverage regulations that will not go into effect until July 1 and it does not make sense for the City to make changes to the Title only to change it again after July 1.

The meeting adjourned at 9:04 p.m.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: August 9, 2011