

Minutes of the Regular Meeting of the Syracuse City Council held on June 8, 2010, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

City Employees Present:  
Police Detective Corey Rowley  
IT Director TJ Peace  
Finance Manager Amber Fowles  
GIS Technician Troy Moyes  
Administrative Intern Brant Hanson

Visitors Present:	Bruce Schofield	VeAnn Bean	Byron Hellewell
	Shanna Niemann	Craig Johnson	Judy Merrill
	Kevin Nagle	TJ Jensen	Troy Shingleton
	Travis Shingleton	Nathan Miller	Jerry Guffy
	Tanna Woods	Anne Page	Cynthia Steele
	Jamie Smedley		

### 1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 7:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation; there being no persons volunteering to provide an invocation it was instead provided by Councilmember Peterson. At the request of the Mayor, Councilmember Shingleton led all present in the Pledge of Allegiance.

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

### 2. Approval of Minutes

The minutes of the Regular Meeting of May 25, 2010 were reviewed.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 25, 2010 AS PRESENTED. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

### 3. Public Comments

VeAnn Bean, 1509 S. 2600 W., stated that she noticed there is an agenda item on tonight's meeting agenda dealing with the budget and she stated that she hoped the Council will be prudent with the budget. She stated it is important for the Council to be aware of what is happening with the economy throughout the country and take that into consideration when making changes to the City's budget. She stated that she also noticed there is an item on the agenda dealing with the City's code enforcement regulations and she noticed that citizens could receive citations and fines for having weeds in their yards. She stated that this summer she will be "digging out" from three years worth of weeds; she was very ill two years ago during a pregnancy and last year she was unable to work in her yard with her new baby so this year she will be trying to remedy a weed problem that is a couple of years in the making. She stated that she is grateful that her neighbors have not reported her to the City. She stated that she also has a neighbor that was very ill and recently passed away leaving his wife and children behind and they have not been able to install their landscaping according to City Code and it is offensive to her that they could be fined for their weeds. She stated that she hoped that as the Council is reviewing the code enforcement regulations that they keep freedom in mind and let people maintain their property rights. She then stated that she recently received the City newsletter. She explained that she has not been able to attend a City Council meeting for quite some time and she was very appreciative of the City Council meeting summary included in the newsletter. She stated she wanted to thank Councilmember Kimmel; she explained that she teaches a constitution class and the constitution is very near and dear to her heart and she is grateful that there seems to be one Councilmember that votes in favor of free market and the constitution.

Byron Hellewell, 1074 W. 1290 S., stated that approximately one year ago he noticed that a City ordinance changed and the City would begin assessing penalties for several housing issues and one of those issues was related to water heaters. He stated that he wondered why the City would want to assess such penalties because things like water heaters do not have any thing to do with City government. He stated that in the end the City should not really care if things like the electrical

wiring of a house are done correctly. He stated that the power utility company will not provide power to a homeowner if they do not receive approval from the City. He stated that he understands that these types of approvals are recommended by the uniform building code, but that code is simply a suggestion and the Council can choose to adopt bits and pieces of it rather than the whole things. He stated that in the current economical environment while it is so important to save money, the City should respect what people choose to do with their property. He stated that the City may be assuming some liability by approving work that has been done on a home. He stated that contractors performing the work must be licensed and they should be responsible for certifying their work to entities such as the power utility company.

TJ Jensen, 3242 S. 1000 W., stated that he wanted to commend everyone on the City Council and staff that was involved in re-implementing the practice of delivering a paper copy of the City newsletter to every household in the City. He stated that the only thing that was missing was the calendar that was always included in the old newsletter. He reiterated that he wanted to pass his compliments on to everyone that was involved in reviving the newsletter, including the new Syracuse Business Organization Strategic Support (SBOSS) organization.

Corey Rowley, 3277 S. Bluff Drive, stated that he attended the last City Council meeting held May 25, 2010 and he provide the Council with some information regarding the City's participation in the Child Abduction Response Team (CART) and tonight he would like to provide the Council and the public with some information regarding the formation of a group referred to as the north-end detectives meeting. He stated that the group formed approximately three years ago; the detectives of Syracuse City assembled under the direction of the Police Chief and decided that it was necessary to improve communication between Syracuse City and other cities in the County relative to some of the crimes that were taking place. He stated that the meetings were held in Syracuse City for the first year; they were then held in Clearfield and Clinton cities and they are not being held in Syracuse again. He stated that the meetings are held once each month and the detectives talk about the crimes that are occurring in the community, especially those crimes that impact numerous cities. He stated that they have been able to tie burglary rings and other crimes to other cities and hold people accountable for the crimes that they commit in the community. He stated that last week they were able to make an arrest in a case of people involved in a burglary ring that stretched from Bountiful to Weber County; two of the suspects live in Syracuse City. He stated that the Police Department wants to educate the citizens about the programs and practices they are involved in to help keep the citizens safe by holding people accountable for the crimes they commit.

#### 4. Public Hearing – Proposed Resolution R10-16 adjusting the Syracuse City budget for the Fiscal Year (FY) ending June 30, 2010.

Revenues in the general fund have been reduced by \$170,620. Sales tax revenue was reduced \$270,000, but other revenue items were increased to make up some of the shortfall. Through savings in various areas enough money was saved to balance the shortfall. There were \$134,000 savings in salaries and wages from not filling vacated positions; staff saved \$22,500 on election expenses this year; and the remainder comes from each department tightening their spending for the rest of the year. The Police Department will have an increase in expenditures which is related to grants received throughout the year. The revenue for these grants has also been added to offset the expenditures.

The utilities office budget needs to be increased \$33,500 for credit card fees and \$2,500 for meter reading equipment. Revenue from user fees will be enough to fund these increases.

Depreciation expenses in the sewer fund need to be increased by \$65,000 to meet this year's projected amount. Some of this amount will be covered by other line items that are under budget but approximately \$45,000 will come from fund balance.

The expenditures in the storm water fund also need to be increased for depreciation. This fund is starting to become self-sustaining; the user fees are enough to cover the expenses needed to maintain the storm water lines. This means the fund will have to start depreciating the assets. Finance Manager Fowles is currently working with the auditors to determine the amount of those assets and depreciation expense. The budget will be increased by \$200,000 to fund this expense; the actual expense amount will be less than that, but the amount is still undetermined.

Finance Manager Fowles approached the Council and reminded them that they have reviewed the list of budget opening items in prior work sessions. She reminded the Council that there will be no increase in expenditures; rather expenditures are being decreased to cover the revenue shortfall the City is experiencing. She stated that the amount of the revenue shortfall that is not being covered by expenditure decreases will be covered by other savings in the budget. She stated that the Police Department budget was increased to allow for grant expenditures, but grant revenues were also recognized in the budget opening and the two amounts are offsetting. She added that the Fire Department budget was increased by \$2,000 to pay for invoices related to medical calls the Fire Department responds to. He stated that all other Department budgets in the City are being decreased.

Councilmember Kimmel asked for more detailed information regarding what other items in the budget will help to cover the revenue shortfall. Ms. Fowles explained that the City's sales tax revenue shortfall is approximately \$270,000. She stated that other revenues in the City exceeded their projections, such as court fines. She stated those types of revenue excesses will be used to cover the sales tax revenue shortfall.

Mayor Nagle stated that she wanted the public to know that Ms. Fowles and all other Department Heads have worked as hard as they could to save every single penny possible and she wanted to commend every City employee for "tightening their belts". Ms. Fowles agreed with Mayor Nagle's comments and stated that all Department Heads were very helpful throughout the budget preparation and review process.

Mayor Nagle then convened the public hearing.

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

Councilmember Clark stated that the budget opening document indicates that there is a \$33,500 increase to cover credit card fees. He stated that this issue has been discussed in the past and he wants to be sure that the City is charging those residents that use credit cards a high enough fee to cover the City's cost of accepting credit cards. Ms. Fowles stated that she has reviewed the credit card fees charged to users and she believes that the City is saving approximately \$10,000 in personnel costs by accepting credit cards versus employing an employee to accept all cash or check utility payments. She added that Information Technologies (IT) Director Peace is working with the City's credit card processing vendor to negotiate the fees being charged to the City. She stated that the reason that the budget increase is necessary is that the current FY budget only included \$500 for credit card fees and she is not sure why the amount was so low. Councilmember Kimmel asked how this situation has been dealt with in the past. City Administrator Worthen stated this is the first full budget year that credit card fees have been included in the budget; therefore, it has not been necessary to deal with this issue in the past.

COUNCILMEMBER HAMMOND MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-16 ADJUSTING THE SYRACUSE CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2010. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 5. Authorize Administration to execute agreement with North Davis Sewer District for utility easement.

North Davis Sewer District is acquiring easements to continue the extension of a large sewer trunk line within 3700 South street southeast into West Layton. As part of this project the District has approached the City for a small construction and future maintenance easement to extend the sewer line pipe southeasterly parallel to the existing bluff. This line will service growth areas in West Layton and Kaysville. The district has requested this easement in order to access City owned land adjacent to the Harmony Bluff Subdivision on the south end of the City. The Public Works Director has reviewed the easement request and recommended approval. The District provides great benefits to the City and they always maintain their easements in a proficient manner.

Mr. Worthen reviewed the staff documentation regarding this agenda item.

Councilmember Kimmel asked if the area that will be impacted the North Davis Sewer District (NDS) project is all considered unincorporated Davis County land. Mr. Worthen stated that a portion of the land is unincorporated and a portion is owned by a nature conservancy entity.

Councilmember Kimmel asked if the NDS project will create traffic congestion problems at the intersection of Gentile and Bluff Roads. Mr. Worthen stated that he is not aware of the time frame of the project, but it may slightly impact traffic in the area referenced by Councilmember Kimmel. Councilmember Kimmel asked if the City can request that the NDS not begin their project until the projects on Antelope Drive and 2700 South have been completed. Mr. Worthen stated that the project will not begin for some time; the NDS is simply interested in securing easements at this time. Mayor Nagle agreed and stated the issue before the Council tonight is the request for the easement.

Councilmember Hammond stated that it appears that it will be necessary to tie the new sewer line into the Harmony Bluff subdivision and he asked if that will cause any problems for residents in that area. Mr. Worthen stated that the tie-in portion of the project will be fairly simple and it should not cause any problems for residents in that area.

COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE THE ADMINISTRATION TO EXECUTE AN EASEMENT AGREEMENT WITH NORTH DAVIS SEWER DISTRICT. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 6. Proposed Resolution R10-18 approving an interlocal cooperation agreement between Davis County and Syracuse City relating to the conduct of the Community Development Block Grant program for federal fiscal years 2011, 2012, and 2013 and successive three year periods afterward and a statement of policies.

Davis County has become eligible to receive federal funding from the Community Development Block Grant (CDBG) program in the fiscal years 2011, 2012, and 2013. The program is offered through the Department of Housing and Urban Development (HUD) and provides annual grants on a formula basis to entitled counties to develop viable urban communities through decent housing and a suitable living environment and expanding economic opportunities particularly for low and moderate-income persons. The proposed interlocal agreement will allow Davis County to apply for HUD entitlement status and receive CDBG funds in 2011, 2012, and 2013 and successive three year periods. In order for any county to qualify as an urban county under HUD requirements, they must have a population of at least 200,000 residents. In

Davis County this population would not include existing entitlement communities of Clearfield and Layton; hence those two cities can not support the proposed interlocal agreement. The remainder of the cities in Davis County would make up the new urban county and would participate in the direction of the CDBG program funds. The County must submit signed agreements to HUD prior to the end of June; they will also be required to file an 'action plan' that lists the respective projects to be considered by HUD annually prior to the release of CDBG funds.

The City Administrator recommends approval of the interlocal cooperation agreement with Davis County in support of CDBG programs being administered through the County. The City Administrator feels these funds can be used in economic and suitable housing opportunities for low and moderate-income families and individuals.

Mayor Nagle introduced Scott Hess and invited him to address the Council to provide information regarding the proposed interlocal agreement.

Mr. Hess approached the Council and stated that he is a Planner for Davis County and he has administered the CDBG grant program, as well as several other grant programs, for the County for the past three years. He explained that CDBG grants funds were previously appropriated by the State of Utah and up until 2009 the funding distribution was based on population data, but that method was changed and funds were distributed on a regional basis rather than population methods. He stated that Davis County's population has grown to a high enough number to allow the County to consider becoming an entitlement community; Clearfield and Layton cities are already entitlement cities, but if the populations of the remaining cities in the County are combined the County can apply for entitlement status. He stated the proposed interlocal agreement allows cities to opt-in to the County's program and assist the County in becoming an entitlement community. He explained the County would need to make application to the Department of HUD to become an entitlement community and if that application is accepted the Council will be eligible for constant CDBG funding whereby the County will receive a defined amount to be distributed to cities throughout the County. He stated that this type of program would be most similar to the way the program was run prior to 2009 and the County would receive anywhere from \$700,000 to \$900,000 that can be spread throughout the County to assist more funding applicants.

Mayor Nagle stated that she has some concerns regarding the interlocal agreement. She explained that in theory the agreement sounds like a great thing, but after reading the fine print she feels that by signing the agreement the City would be forfeiting their autonomy in the decision making process relative to how funding is distributed. She explained she felt that if the County wanted to build low income housing in any city in the County that decision could be made by the Davis County Commission independent of any input from the chosen city. She stated that Syracuse City would have no representation on the rate and ranking committee that will be considering how to distribute the CDBG funds. She added that the County Commissioners may commit that they will not make decisions without input from cities, but she is aware that two of the current County Commissioners will be up for re-election this year and commitments that they make now may not be honored by future Commission members. Mr. Hess explained that the interlocal agreement is strongly worded; however, Davis County will not make decisions to use CDBG funding to complete projects that directly contradict pending applications that are rated and ranked and eligible for funding. He added that an administrative employee will be assigned to assist and monitor applicants for CDBG funds, but they will not have the power to override valid applications and dictate that projects that have not even been requested are completed in any given City. He stated that the bottom line is that cities will have the opportunity to make application for funds and the County will not choose to perform projects that are not included in an application. Mayor Nagle stated that is the theoretical explanation of the agreement, but that is not how the agreement reads. Mr. Hess stated that is correct, but he did not see any reason why the County would overlook a rated and ranked application and instead perform a project in a city that was not requested. He added that all cities within Davis County have developed moderate income housing plans, which identify areas that could be developed for those uses; the location of low-income housing would not be dictated by the County.

Mayor Nagle explained that she sits on a committee that votes to approve transportation funding for applying cities and Syracuse City was one of the cities requesting funding and it was hard for her to stop herself from 'cheerleading' for Syracuse City to receive the funds. She stated that she had to coast a vote on that issue; there was no opportunity for her to abstain. She stated that she uses that example to highlight the equity issue; if Syracuse City applies for CDBG funding, but the City has no representation on the rating and ranking committee while another city does, she is not sure there will be equity. Mr. Hess explained that the County will use the same rating and ranking criteria that they used for the 20-years prior to 2009; the city name on the application will be left blank and the project itself will be rated and ranked. He stated the people that serve on the rating and raking commission are typically representative of cities that are not applying for CDBG funds during the year in which they are serving.

Councilmember Shingleton stated that section B of the agreement states that "the primary objective of the Act is the development of viable urban communities and access by every resident to decent housing, shelter, and ownership opportunity regardless of income or minority status, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. . .". Councilmember Shingleton asked Mr. Hess to explain some of the economic opportunities that statement referred to. Mr. Hess explained that CDBG funds can be used for economic development purposes, though Davis County has never used the funds for those purposes because there has always been such a need to provide funding to social service entities. He explained Provo City has used CDBG funding

for economic development purposes, though he feels there are other funding options that can be used to try to attract businesses and job providers to a community. He stated there are 15 cities in Davis County and he can not think of one that funds a social service entity such as a food bank or shelter or is providing money for low-income housing. He stated that is why he feels it is important to reserve CDBG funding for those types of uses.

Mayor Nagle stated that she does not disagree that social service entities are an important part of a community, but she still has concerns. She stated that the groups that write agreements like this one always have the best of intentions, but if someone wants to do something and there is nothing in place to stop them from doing it, they will proceed. She stated that if a city wants to apply for funding for economic development purposes and the County does not deem that type of project necessary, she would challenge them to drive around Syracuse City and see the vacant store fronts and the struggling commercial entities and she would then argue that an economic development project in Syracuse City would be as dire as repairing curbing in a low-income neighborhood. She stated that she can see some advantages to the agreement and she recognizes that combining all cities in Davis County into one entitlement group will assist the group in receiving more CDBG funding, but she is not necessarily sure that Syracuse City will benefit from that. She stated that she has talked with some County Commissioners and they have assured her of their intentions, but the agreement is worded differently. She stated that she is not afforded a vote on this issue, but she would recommend that the Council vote against authorizing the agreement until there is some language added explaining the rating and ranking criteria as well how communities will be allowed to participate so that there is a clear definition of the level of control communities will have over the projects in their areas.

Councilmember Clark stated that Syracuse City, due to its demographics and median income, does not qualify for funding for low to moderate income projects; therefore, the City may not receive any CDBG funding when applying in the future. Mr. Hess stated that is not necessarily true and he reminded the Council that in 2007 the City was awarded CDBG funding to purchase a bus for the City's senior program. Councilmember Clark stated that he was not sure if the City would be at an advantage or disadvantage when all cities in Davis County are competing for one 'pot' of money controlled by the County. Mr. Hess stated the answer to that question is up to the City; low and moderate income is relative and he would argue that there are still necessary projects in Syracuse City that could be eligible for CDBG funding. He stated that cities should be identifying necessary projects in their Capital Improvement Plans (CIP) and that plan should be at least a five year plan; CDBG funds could be considered an additional funding source for projects included in a CIP. He stated there may be older areas of the City that may need updated infrastructure and those types of projects may be eligible for CDBG funding. He stated he wanted to clarify that if the County is granted entitlement status there will be a staff person, other than himself, assigned to take over the administration of the program. He stated that in the past local cities as well as the Council of Governments (COG) felt it was equitable to assign project caps at \$150, 000 a year or \$300,000 for a two year period. He stated that would not pay for a large infrastructure project, but it is meant to be used to pay for a portion of an important project. He stated the intent of that decision was to spread the funding out to as many applicants as possible.

Councilmember Shingleton stated that Mr. Hess referenced funding the City received in 2007 to purchase a van or bus for the City's senior program and he wanted to express a concern he had about that funding. Councilmember Shingleton stated that the City wanted to use the van for other purposes and activities outside of the senior program and that request was denied. Mr. Hess stated that restriction is a result of State regulations. Councilmember Shingleton stated that he understands that, but the issue he is has is that the City does not have control over assets that should be used by the City at their discretion. He stated he would concur with Mayor Nagle's recommendation that the Council not enter into the interlocal agreement with the County. Mr. Hess stated that entitled entities are able to use CDBG funds on a far broader basis than is allowed when funding is controlled by the State. He stated that he would argue that if the City were party to the County's entitlement status they would have less restrictions based on the funding. He added that he would invite any Councilmember to participate on the rating and ranking criteria creation committee; at this point it is a 'clean slate'. He stated that if the City chooses not to enter into the interlocal agreement, the City will be standing along in this region and will be competing against other entitlement entities such as other cities and counties. Mayor Nagle pointed out that Kaysville City chose not to enter into the interlocal agreement. Mr. Hess confirmed that and stated that Fruit Heights City has opted not to enter into the agreement as well. Councilmember Peterson stated that if too many cities opt out of executing the agreement the County will not have sufficient population numbers to apply for entitlement status. Mr. Hess stated that is correct; the County needs a population of 200,000 to begin the application process. He stated Syracuse City could be the entity that determines whether the County will be eligible to apply for entitlement status. He stated that he believes there are areas of the City that could benefit from CDBG funding; the City has a lot of room to grow and often when that happens the age of other areas of the City is more apparent.

Councilmember Kimmel asked if Davis County pays for a lobbyist that solicits HUD funds. He stated he is pleased with the Mayor's recommendation that the City not enter into the agreement. He stated that HUD has their own set of rules and the County has their own set of rules and the City is so far down the 'food chain' and there is no opportunity to provide a voice to the process. Mr. Hess stated that the County does not pay for a lobbyist to solicit HUD funds. Mayor Nagle stated that is her understanding as well. Mr. Hess stated that CDBG funds are determined in the federal budget every year and for the past few years they have been reduced. He then explained that the ultimate agreement is between Davis County and

HUD and Davis County is held liable when cities do not track their funding correctly. He stated the proposed interlocal agreement to be entered into between the County and cities is strongly worded in order to give the County some power to monitor grant programs and funding, which the State has always done for the same liability reasons. He then reiterated that the County will not determine the projects that need to be done in Syracuse City; the applications the County will receive will surpass the amount of funding that is actually available.

Mayor Nagle stated that she does not want Mr. Hess to feel that she thinks this is a bad program. She stated that she does recognize the values in an economy of scale. She stated that the City does have areas that are in need, but choosing not to enter into the agreement will not preclude the City from applying for grants. She stated her only concern is that the City will not have a voice in the process if they sign the interlocal agreement being proposed by the County. She stated that the term of the agreement is three years and if the City signs the agreement that is how long they will be bound to its terms. She stated that she attended the last COG meeting and County Commissioner Downs asked those with concerns if they would be more comfortable if the working of the agreement were altered and the resounding response was yes, but she noticed that no sections of the agreement have changed. Mr. Hess stated that the wording of the agreement will not change as it was provided at the federal level. He stated the County may be willing to draft a separate interlocal agreement saying that both parties recognize the terms of the federally provided agreement, but the County will adhere to some different operating procedures. He stated that seven cities have agreed to enter into the agreement, two have decided not to enter into the agreement, and the County is waiting for a response from the remaining five cities. He stated that he would like for the County to be awarded entitlement status so that social service agencies can have better access to CDBG funding again. He stated that the City must make their own decision regarding whether to enter into the agreement. He stated that when changes were made to the program and all funding decisions were made regionally there was major outcry from the cities. He stated this agreement responds to that outcry.

Councilmember Hammond asked if Syracuse City has any representation on the rating and ranking committee. Mr. Hess stated that will be determined by the cities and the Wasatch Front Regional Council (WFRC). He stated he would imagine that the City would not be represented on the committee. He stated he was not sure if a staff person and an elected official from each community would be allowed to participate on the committee.

Councilmember Clark stated that his concern is that the issues and concerns of those that would be party to the agreement have not been addressed by COG and the County Commissioners have not provided explanations regarding the agreement. He stated that cities are being asked to approve something that they essentially do not understand. Mr. Hess explained that the agreement is an opportunity for each city to opt-in to be part of the entitlement County; there was no intent to communicate how the program will be managed because the parties to the agreement will be dealing with a 'clean slate' and it will be up to them to determine how the program will be administered. He stated that he would prefer that the program be administered the way it has always been administered because there were never any complaints about the previous administration. He stated in the past there was a committee made up of four people that applied the rating and ranking criteria to each application received. He stated that the parties to the agreement will be responsible to determine the rating and ranking criteria and a committee will be developed and tasked with that assignment. He stated that the only difference would be that COG would be making their recommendations to the County Commission rather than to the State and the Commission will be responsible to make the final decision.

Mayor Nagle stated that there has been integrity in the process and she was not trying to communicate otherwise. She stated she appreciated Mr. Hess's candor in answering all of the questions posed to him tonight.

Councilmember Clark asked Councilmembers Kimmel and Shingleton if they shared Mayor Nagle's concerns regarding the agreement or if they are opposed to the agreement for different reasons. Councilmember Shingleton stated that his concern is that the City would be forfeiting their power and giving the federal government another opportunity to attach strings to the City. He reiterated that he was upset over the rules attached to the use of the senior program bus; the City wanted to use the bus for other purposes and that was not allowed by the State. Mayor Nagle explained to Mr. Hess that the bus was purchased for a program aimed at senior citizens in the community and the City was told that they could not use it for any other purpose, such as transporting youth to a sporting activity. Mr. Hess stated that the State may be willing to let the City use the bus for anything related to low or moderate income residents. Councilmember Clark asked if those types of rules would be any different if the CDBG program were administered by the County rather than the State. Councilmember Peterson stated he was going to ask the same question; he wondered if entering into the agreement with the County would create any more 'strings' than currently exist. Mr. Hess stated that there may be more flexibility afforded by the County. He stated that the State has placed more restrictions on the types of uses that they deem eligible and if anything, there would be less 'strings' attached to the funding.

Councilmember Clark asked if there is a termination clause in the agreement that would allow the City to terminate at some point in the future. Mr. Hess stated that the term of the agreement is three years and after the initial three years each city would be given the opportunity to opt-in or opt-out of a continuation of the agreement. Councilmember Clark stated he understood the term of the agreement was three years, but he wanted to know if the City could terminate during the initial three year period. Mr. Hess stated that would not be possible because funding would be determined based on the population of the County that is termed an 'urban county'. He stated that if the City were to terminate during the three year period that

would change the population numbers. He stated that the City could remain a party to the agreement and simply choose to abstain from being involved in the program.

Councilmember Clark stated he wanted to understand Councilmember Kimmel's concerns. Councilmember Kimmel stated his concerns do not involve Mr. Hess and he stated that he would prefer to vote on the proposed resolution before sharing his comments. He stated that his concerns have nothing to do with the resolution or the interlocal agreement itself; his concerns are related to his principled standards.

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-18 APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN DAVIS COUNTY AND SYRACUSE CITY RELATING TO THE CONDUCT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FEDERAL FISCAL YEARS 2011, 2012, AND 2013.

Councilmember Clark stated that the suggested motion is that the Council also enter into the agreement for successive three year periods to commence after 2013 and that they also adopt a statement of policies, but he did not want to include those two suggestions in his motion. City Recorder Brown stated that the statement of policies is part of the interlocal agreement, which is the exhibit to the resolution. Mr. Hess agreed and stated that it must remain a part of the interlocal agreement. He stated that if the Council chooses to remove the statement of policies from the resolution, they are essentially choosing to opt-out of the agreement. He stated, however, that the Council can decide against entering into the agreement for successive three year periods commencing after 2013.

COUNCILMEMBER CLARK OFFERED A SUBSTITUTE MOTION TO ADOPT PROPOSED RESOLUTION R10-18 APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN DAVIS COUNTY AND SYRACUSE CITY RELATING TO THE CONDUCT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FEDERAL FISCAL YEARS 2011, 2012, AND 2013 AND A STATEMENT OF POLICIES. COUNCILMEMBER PETERSON SECONDED THE MOTION.

Councilmember Clark stated that he shares the concerns that Mayor Nagle voiced, but he felt it may be more advantageous for the City to be part of a group that has access to a large pool of funding rather than remain independent and face greater competition for the funds. He stated he wants to do what will provide the greatest benefit to the City and he is concerned that the City, based on its median income, will have a difficult time applying for and receiving funds if the City is not part of the entitlement County pool.

Councilmember Peterson stated that the senior program bus is a unique example of CDBG funding issues, but he would rather have the bus with 'strings' attached than not have it at all. He stated that he agreed with Councilmember Clark's comments that becoming part of the entitlement County pool the City will have better access to the funds.

Councilmember Hammond stated that his concern is that the City will have no representation in the process and representation is the most important thing. Councilmember Clark stated the City would also have no representation if they remain independent of the entitlement pool; the City would have a voice in making application for the funding, but no representation on any type of decision making body.

Councilmember Kimmel stated that he does not like entitlements and no one is entitled to anything. He stated that this federal program is a 'humongous bureaucracy'. He stated that our nation is 'broke' and 'we' want to try to take as much as 'we' can and attach the City to any program available and be controlled by the rules of that program simply to be eligible for some entitlement funds that can be redistributed by Davis County. He stated that Davis County will determine the proper use of his tax dollars and one of those uses could be the development of low or moderate income housing. He stated that government does not create a single thing, it can only take. He reiterated that the City would only be participating in this program to help low to moderate income people get houses. Mayor Nagle stated that CDBG funding can be used for many other uses besides providing low and moderate income housing. Councilmember Kimmel stated that is correct and that Mr. Hess referenced some of the other uses that are eligible for CDBG funding, such as food banks and homeless shelters, all of which are good causes, but the 'root is not properly placed in taxation' and government should not be giving to one group or person so that they can be better off. He stated that he is a believer in the private market and making those types of improvements should happen through charity work, not forced taxation and redistribution by a bureaucrat in Washington D.C. that is part of the HUD program.

Councilmember Clark stated that he is not disagreeing with what Councilmember Kimmel is saying, but he wanted to point out that the CDBG program has the potential to do things that are good for the City. He stated that Syracuse City can choose to take a stand against this type of funding, but the program will still go on and the funds will be distributed elsewhere. He stated that the City has projects and programs that need funding.

Councilmember Kimmel stated there is an excellent educational tool that could be related to this topic; it is a program that his five-year old was watching the other day called *Dr. Seuss on the Loose*. He stated that the story includes the characters Mr. Wuntzler and the Thorax; Mr. Wuntzler is a very affluent entrepreneur and he uses up all the resources in his community, but before the community was ruined and left destitute he had an internal dialogue with himself and he said to himself that he was a bad person for destroying the natural resources for his own sake benefit, but he responded to himself and said that if he didn't do it someone else would. He explained that at the end of Mr. Wuntzler's conversation with himself he told himself that he was a smart man, he shook his own hand, and he went on doing what he was doing and he ended up

ruining his entire community. He stated that the moral of the story is that just because someone else is willing to do or participate in something, that does not make it right.

Councilmember Clark stated that the City does not generate enough tax revenue to fund the programs and projects that need to occur in our City. Councilmember Kimmel stated that HUD money is tax revenue. Councilmember Clark stated that he is referring to property tax revenue generated locally in the City. He stated that without government and federal grants the City would not be able to accomplish the things that need to happen. He stated the City has two options; accepting federal and other government funding or increase property taxes. Councilmember Kimmel stated the City can still seek grants on its own and use its own resources; the question is whether the City wants to become a part of the entitlement group being created by the County. Councilmember Clark stated that the question that needs to be asked is if the program will benefit the City and provide resources to fund necessary programs and projects. He stated that he does not disagree with Councilmember Kimmel's statement regarding entitlements, but he also knows that the City needs additional funds to be successful and somehow the funds need to be provided to fund the needs that the City has. He stated the City needs to install a new secondary water line to improve the secondary water pressure for residents. He stated that the City was hoping to receive a grant to help fund that project, but that City was not awarded the grant and there is no other money available to complete the project. He stated that CDBG funds could potentially be used to upgrade infrastructure in a low income area. He stated everyone knows the financial status of the City and additional funding sources are desperately needed.

Mayor Nagle stated that during the work session held prior to this meeting someone made the comment that the City should not be providing subsidies to any programs and that comment was made in relation to the garbage collection service in the City; the exact comment was that no citizen should receive any type of subsidy. She stated that the bottom line is that the City can not currently fund the systems that are in place. She encouraged everyone to pay close attention to the condition of the City's roads. She stated that if the City needs to bond to repair and replace roads that bond will be added to the bond debt that was incurred to build a new City Hall and upgrade other City facilities. She added that the City also provides youth programs, a Heritage Days celebration, and many other services and program and if the City were to tax at a level high enough to pay for all of those services and amenities there would be no citizen base. She stated she is not saying that the CDBG program is bad and she would encourage the Council to consider all options available to the City as long as the decision is not made to give up a voice in the process used to determine what projects will be done in the City. She stated that the Council needs to be able to have an understanding of how programs are going to be implemented in the City. She stated that she receives emails on a regular basis from citizens that are upset about things like the condition of the roads or the fact that the City does not provide more police officers to patrol the streets at night. She stated that the reality is that there is no money available to make improvements to address those concerns. She stated that the City needs to figure out how to work within the system that is in place without compromising principles and the ability to control what is happening in the City. She stated that she hopes those issues will be the focus of the Council as they are voting on this issue tonight. She stated that she hoped that there is no grandstanding and that instead the Council votes based on what they feel is best for the City as a whole. She stated that she circulated the proposed interlocal agreement to the entire Council nearly two weeks ago and she has not received any questions or comments about the document since that time. She stated that she is concerned that the Councilmembers did not even read the agreement and consider the benefits of the program before arriving at this meeting tonight. She stated she hoped that was not the case, but she would have expected to receive questions regarding the agreement if anyone had read it.

Councilmember Kimmel stated that he wanted to comment on his opinion and his principles. He stated that when he makes those comments he is not grandstanding and the fact that he does not send correspondence and questions to the Mayor and City staff about a certain issue does not mean that he does not care or that he has not done any research on a given issue. He stated that in January he took an oath to execute his duties as a Councilmember and that included upholding and defending the Constitution of the United States and the Constitution of Utah. He stated that some might consider his comments to be grandstanding or his lack of communication to translate into a lack of research and he felt those assumptions would be erroneous. He stated that he did not need to delve too far into the proposed agreement to realize that it violates the rights of everyone.

Councilmember Clark asked Councilmember Kimmel to expound and clarify how the agreement violates the rights of everyone. Councilmember Kimmel stated the City would be giving HUD the ability to collect tax dollars from Syracuse City citizens; HUD would then provide those tax dollars to Davis County who would have the ability and right to disburse them how they see fit. He stated that is not the proper role of government; government should not collect taxes to provide housing, food banks, or homeless shelters to people. He stated that is not a power that has been given to elected officials. He stated that local governments have been forced to lie down and let 'Washington' do whatever they want because if they do not do that they will lose out on some funding or opportunities. He stated that if the City says they want to be a part of this type of program, the City will lose its voice and ability to change these types of programs.

Councilmember Hammond reiterated that the City would not have a voice in the process or representation on the decision making body. He added that Mayor Nagle expressed the same concerns to COG and those concerns were not addressed. He stated there is no way to know if the same County Commissioners will be holding office after this year's

election and Mr. Hess said that he will not be acting of the administrator of this program. He stated he would like to call for a vote on the issue.

Mayor Nagle stated that she wanted to point out that the agreement does not say that the County Commission would have the decision making power in this program and Councilmember Hammond's comments prove her point that the Council did not do a lot of research. She stated that it is her hope that the Council is acting based on conducting research into the agreement. She stated she hopes that all information will be weighed and that the Council is not voting based on a 'knee jerk reaction'.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed resolution; she called for a vote. VOTING "AYE" – COUNCILMEMBERS CLARK AND PETERSON. VOTING "NAY" – COUNCILMEMBERS HAMMOND, KIMMEL, AND SHINGLETON.

#### 7. First Reading – Proposed update of Syracuse City Code Enforcement regulations.

Staff has worked to update and revise the City's Code Enforcement regulations in order to streamline the code enforcement process. The updated regulations are also simplified and better clarified and will hopefully be easier for the public to navigate. Staff recommends that the Council accept the updated regulations for a first reading. In depth discussions regarding the regulations can be held during future meetings prior to final consideration.

City Recorder Brown reviewed the memo provided by staff.

Mayor Nagle asked if the document including the updates has been published on the website. Ms. Brown stated it has not been published to date, but she could ask that it be published once the Council accepts it as an official document.

COUNCILMEMBER PETERSON MADE A MOTION TO ACCEPT THE PROPOSED UPDATES TO THE SYRACUSE CITY CODE ENFORCEMENT REGULATIONS FOR A FIRST READING. COUNCILMEMBER CLARK SECONDED THE MOTION.

Councilmember Kimmel asked Ms. Brown to explain the process that will follow the Council's acceptance of the proposed regulations for a first reading. Ms. Brown stated that the next step in the process would be to hold very detailed discussions regarding the proposed regulations in upcoming work session meetings. She stated that once the Council is ready to move forward with the regulations, they can set and hold a public hearing to receive input before considering final adoption of the revised version of the regulations.

Councilmember Hammond stated there was an email in the Council packet from the City Attorney and he appears to be 'on the fence' regarding these proposed regulations. Ms. Brown stated that the City Attorney is 'on the fence' on the issue of how to collect fines after code enforcement action has been taken. She explained that if a property owner were to be cited for a violation at their property and they do not pay the fine associated with that citation, the City can use an administrative process or a criminal process to try to collect the amount due to the City. She stated that the City Attorney was simply pointing out that some cities use an administrative process while others use a criminal process. She stated that the regulations that she wrote for consideration include the use of an administrative process rather than a criminal process. She stated that the Council will have the opportunity to consider both options and make changes to the proposed regulations as they see fit. She added that the City Attorney will attend meetings during which the regulations are discussed so that he can provide his input.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed code enforcement regulations; she called for a vote. ALL COUNCILMEMBERS VOTED IN FAVOR OF THE MOTION TO ACCEPT THE PROPOSED CODE ENFORCEMENT REGULATIONS FOR A FIRST READING.

#### 8. Department Report – City Recorder

Mayor Nagle stated that she has asked each Department to take time during a Council meeting and provide the Council with a report regarding the operations of their Department.

Ms. Brown stated that the City Recorder's organization throughout the State often talk about the fact that no one really knows what a City Recorder's functions are. She stated that usually when she is asked what she does for Syracuse City she tells people that she takes minutes of the Council meetings, conducts City elections, and maintains the records of the City. She stated that she attended the International Institute of Municipal Clerks (IIMC) conference in Reno, Nevada in May and she attended a seminar that focused on defining the role of the City Recorder in a way that can be easily presented to the citizens and the Governing Body of the City. She then read the definition of the role of the City Recorder as follows:

"The City Recorder is the local official who administers democratic processes such as elections, access to City records, and all legislative actions ensuring transparency to the public. The City Recorder acts as a compliance officer for state and local statutes including the Government Records Access Management Act (GRAMA) and the Open and Public Meetings Act. The City Recorder also manages public inquiries and relationships, and provides services to the City Administration and Governing Body."

Ms. Brown stated that may be a brief description, but it truly encompasses the main duties that her Department is responsible for. She then stated that she would be willing to answer any questions that the Council may have regarding her Department. She explained that she is constantly involved in different things in the City; she does not always have a large

project in the works that is visible to the public and instead she typically remains behind the scenes handling the day to day activities of the City.

Mayor Nagle asked Ms. Brown to highlight some of the recommendations that she would like to see carried out in the City after her attendance at the recent IIMC conference. She also asked if the IIMC conference will assist Ms. Brown in achieving her next level of certification. Ms. Brown stated that she currently holds the designation of Certified Municipal Clerk (CMC) and she is working towards her Master Municipal Clerk (MMC) designation. She stated that in her profession, holding the designation of MMC is considered the equivalent of achieving a master's degree from a university. She then stated that she did gain some great information at the IIMC conference and she spoke to Mayor Nagle about a couple of things that she would like to implement in the City in the future. She stated that there was a vendor at the conference that provided information about broadcasting City Council meetings on the internet. She stated she attended the seminar taught by the vendor because she is aware that the Council has been very interested in moving in the direction of broadcasting live meetings. She stated that the vendor has taken the idea of broadcasting a step further and they assist cities in creating electronic packets and agendas and linking the items on those agendas to the spot in a digital recording of the meeting when a topic was discussed. She stated that type of tool would make research on any given item so much easier for the public and City employees alike. She stated that the City's Information Technologies (IT) Director has been working on rewriting the City's website and one hope she has for the website is that it is more user friendly and includes a search engine that is easy for the public to utilize. She stated that the tools provided by the vendor that she referenced would take the searching capability on the website one step further. She stated that once the Council has adopted their budget for the fiscal year 2010-2011, she will invite the vendor to provide the City with more detailed information about the services they provide as well as some pricing information. She stated that implementing that type of tool would improve the transparency of the City. She stated that another seminar that she attended at the conference dealt with generational issues in the workplace and in government particularly. She stated that city staffs are made up of people from the four different generation groups and the presenter provided everyone with some information and tools regarding how to communicate and work with people that come from different generations. She stated that it was very valuable to her because she works with many 'baby boomers' and people from the 'greatest generation' as well as people from 'generation y' and the tools that the presenter provided were very helpful to her. She stated that there are some good materials that she would like to share with the Council in the future. She then explained that the City recently hired an intern that will be working for her Department as well as the IT Department. She stated this will enable her to begin working on some larger projects since the intern will be able to assist in some of the more mundane, day to day activities. She stated that she would like time to focus more on records management and delving into the rewrite of the City Code. She then stated that she loves her job and she loves working for Syracuse City. She stated that she has the opportunity to work on new things every day and that keeps her job exciting and interesting for her. She stated she is very grateful for the opportunity she has been given to serve in the capacity of City Recorder.

Councilmember Kimmel stated that at the last Council meeting he asked if it would be of some benefit to purchase a voice recognition software program that could be used to transcribe minutes of the Council meetings. Ms. Brown stated that she would be willing to investigate the viability of a voice recognition system for the City, but she has always been taught that the minutes of a meeting are the story of the meeting rather than an exact transcription of the meeting. She stated that the ultimate decision belongs to the Council; if they want the minutes of their meeting to be verbatim then they would need to invest in a voice recognition program – otherwise she would not have time to work on any other tasks because she would be spending all her time transcribing the minutes word for word. She stated that her practice is to type the minutes of the meeting as the meeting is happening and then she reviews the minutes over the next week and polishes them into a format that is presentable. She stated that she usually does not listen to the recording of the meeting in order to complete her minutes. She stated that if the decision were left up to her she would decide against purchasing the software in order to spend the money in other areas of the City that may need it more, but if the Council has an issue or a problem with the manner in which she prepares minutes they should address that issue. Councilmember Kimmel stated that he simply wanted to know if voice recognition software would make Ms. Brown's job easier. Ms. Brown stated that she actually felt that in some ways the software would make her job a little harder because the voice recognition software would not operate error free and she felt she would find herself correcting the errors created by the software.

Mayor Nagle stated that she wanted to recognize Ms. Brown for her institutional knowledge and she stated that she has such a tremendous command of the history of the City even before she was an employed here. She stated she is amazed that every time she asked Ms. Brown for information she is able to cite an ordinance or resolution that dictates or process or policy in the City. She agreed that Ms. Brown is definitely behind the scenes, but she is one of the 'heavy lifters' and she wanted Ms. Brown to know that she appreciates that. Ms. Brown thanked Mayor Nagle for her comments.

Councilmember Clark stated that he knows that Ms. Brown did not stand before the Council to receive accolades, but he wanted her to know that she is great and the Council appreciates what she does.

Councilmember Shingleton stated that he wanted the citizens to understand that the City anticipated spending up to \$40,000 on the 2009 election and because of the things that Ms. Brown did throughout that election process she was able to save the City approximately \$20,000. He stated that he appreciated that. Ms. Brown stated that it was stressful process and

the outcome could have been different, but she took a gamble and made some changes and they ended up paying off in the long run.

#### 9. Councilmember Reports

Councilmember Shingleton stated that the City recently resumed the practice of delivering a paper copy of the City newsletter to every household and he wanted to thank the Syracuse Business Organization Strategic Support (SBOSS) organization for funding the first edition of the new newsletter. He stated that he hoped that everyone in the City had a chance to read it and he pointed out that it includes an informational schedule of the Heritage Days events. He stated that this year there will be a carnival and people can purchase carnival tickets in advance of Heritage Days at the Community Center. He reported that a portion of the proceeds of the ticket sales will be donated to the fundraising effort to construct the Unlimited Play park. He added that the City will also be organizing a contest for the design of a new City logo in order to set Syracuse City apart from Layton City. He stated great things are happening in the City and he wanted to thank everyone that is participating in so many City events. He thanked the Recreation Department for their hard work to organize the Heritage Days events and he commented that they have done some great and innovative things this year to improve the celebration and make it more appealing to the public.

Councilmember Hammond reported that he attended a Museum Board meeting today and they announced that the Museum will sponsor the Farmers Market again this year and it will begin July 31 and end on October 2. He stated that he would like to see that event advertised in the newsletter as well. He then reported that a local resident, Don Rentmeister, passed away last week. He stated that Mr. Rentmeister is a former Councilmember and was a member of the Museum Board and he and his contributions to the City will be sorely missed.

Councilmember Clark reported that the graduating students from Clearfield and Syracuse High Schools received over \$5.1 million in scholarship monies. He stated that is a very significant amount that should be recognized. He added that he was involved with the Clearfield High School Graduation Party Committee and they held their party in Syracuse for a number of reasons. He stated that he wanted to highly commend those City staff members that were involved with the party. He stated that Recreation Director Kresta Robinson and Program Coordinator Tiffany Vigil staffed the Community Center all night on graduation night and there were also several police officers involved. He stated he received a number of comments from parents of students that attended the graduation party and they were very grateful for the involvement from City staff. He added that there were a lot of students that came to the party that were very unaware of the different amenities offered in Syracuse, such as a bowling alley, a movie theater, and other commercial businesses. He stated that he was excited that they learned those businesses are here and maybe they will visit the City more often to patronize those businesses again. Councilmember Clark then reported that he has received comments from many citizens that are glad to have a newsletter delivered to their homes again and he hoped that the City will receive a lot of benefit from the newsletter. He then reminded everyone that the State Primary Election will be held on June 22 and early voting for that Election has already begun. He encouraged everyone to get out and vote to increase the voter turnout. He then reported that the Wasatch Integrated Waste Management District (WIWMD) held a ribbon cutting ceremony for the recycling center at the landfill and it is now open to the public. He stated that he has provided a list of materials that can be recycled at the center to City staff for inclusion in the next City newsletter. He stated that one of the things that people fail to understand is that they do not need to clean out their plastic containers in order for them to be recycled. He stated that the WIWMD signed an interlocal agreement with Weber County to allow for construction and demolition waste to be delivered to Weber County. He stated that provides a great benefit to local developers in that the original landfill that took that kind of waste closed last year and making the Weber County facility available will help developers cut their costs. He stated that the Council has also been discussing green waste recycling options recently and he wanted to report that the WIWMD has signed a resolution declaring that any City that implements a green waste recycling program will be able to offer a free scoop of mulch to each resident that signs up for the service.

Councilmember Peterson stated that he wanted to echo Councilmember Hammond's comments about Mr. Rentmeister. He added that Mr. Rentmeister has been very instrumental throughout the history of Syracuse City. He then reported that he attended the grand opening celebration for the new Zion's Bank branch in Syracuse and during the event the City was awarded a check in the amount of \$75,000 to be used for the Unlimited Play park. He stated that the event was very inspiring and emotional. He reported that he met with Medical Officer Troy Jamison from the Fire Department and asked for information on any classes he could attend to receive CPR and first aid training and Mr. Jamison offered to simply provide Councilmember Peterson with the training on a one-on-one basis. He stated that he wanted to publicly thank Mr. Jamison for taking the time to provide him with that valuable training.

Councilmember Kimmel stated that this Thursday he will be attending his first North Davis Sewer District (NDSD) Board meeting at 6:00 p.m. at the sewer plant. He stated he is excited to meet the board and get involved in the issues they are dealing with, namely those that affect the City. He stated that in regards to the first reading of the proposed code enforcement regulation updates he wanted to express some thoughts that he had. He stated he has read through the regulations and there were definitions provided of what constitutes a nuisance, such as excessive weed growth, vegetation growing in public access ways, and noxious weeds. He stated that some of those definitions are appropriate, especially the

types of nuisances that deal with a problem in a public access; however, he felt it would be necessary to have serious discussions about the other items included in the list of things that constitute a nuisance. He stated that what has been done with the ordinances in the City is essentially the surrendering of private property rights so that residents can control the property belonging to their neighbors because they do not want them to have weeds or to park their vehicles on their grass. He stated that he has no authority to knock on his neighbor's door and tell them that their weeds are too tall and that they need to be removed. He stated that his neighbor can thank him for his suggestion, but they do not need to comply. He stated the government does not have the right to do that either; it is not a right that citizens can delegate to an elected official. He stated that as the Council moves forward in reviewing the code enforcement regulations he hoped that they would only include regulations that make sense. He stated he hoped the Council would thoroughly and comprehensively read the proposal. He then stated that he received many comments from residents that appreciated receiving a paper copy of the City newsletter; it was very well received and he agreed they are happy to have it back in their mailboxes.

#### 10. Mayor Report

Mayor Nagle reported that the Fire Department was called to a fire at Utility Trailer recently; the situation called for an integrated mobile response and all of the resources of the Fire Department were needed. She stated that she received several compliments on the actions of the Fire Fighters and their quick response. She then stated that she wanted to talk briefly about what Councilmember Peterson reported relative to the donation made by Zion's Bank. She stated that she also attended the grand opening event and it was a great opportunity to get to witness the commitment level of the local community; not only did Zion's Bank make a donation to the Unlimited Play park, but they also gave a donation to a group of disabled children that play soccer. She stated that sometimes businesses are labeled with a bad reputation because the initially say that they will make donations and support community events, but then when it comes time to actually make the donation they do not live up to their commitment. She stated that Zion's Bank has not done that and they have made a huge commitment to the City by providing all the services they can to assist business owners in the City succeed. She stated that will assist in keeping property taxes low. She stated she is very impressed by their commitment and she commended them for it. She then stated that she wanted to commend the Recreation Department and the Parks Division of the City for their organization of the Memorial Day celebration. She stated there were a couple of glitches at the event that she would assume responsibility for, but the City employees that were involved in organizing the event are to be commended. She stated that the celebration was about the people that have gone before us and she hoped that no one lost sight of that. She then reported that Public Works Director Mike Waite has been very instrumental in spurring along the construction project on Antelope Drive. She stated that the Utah Department of Transportation (UDOT) recently hit a road block that they could not get past and so she asked the Council to assist her in putting some pressure on Qwest to resolve the situation that they were creating. She stated that she was able to organize a conference call with the executive management team of Qwest and later that same day she received a visit from Mr. Waite who reported to her that there were five Qwest trucks on site trying to relocate their utility structure. She reported that Qwest has committed to have their problem resolved by next Friday, after which time the road will be turned over to UDOT for completion of the project. She stated the reconstruction of the road has been a long process for the City, UDOT, and the project contractor and the issue that arose with Qwest was out of their control because they did not have the ability to impose any penalties against Qwest for not meeting their deadline. She thanked Mr. Waite for his diligence and for providing her with daily updates on the status of the project. She stated she was recently told that the road will be named Antelope Drive and all five lanes should be opened no later than August 1. She then reported that she met with the SBOSS executive committee and they had a lot of great things to say about Councilmember Shingleton and GIS Technician Troy Moyes. She stated that they were happy to help fund the first edition of the new newsletter because they believe that communication with the residents is vital to the businesses in the City. She stated that now is an exciting time; she met with the developer that owns a lot of commercial property in the City and he was very optimistic and very supportive of the direction that the City is going in. She stated that he has expressed intent to sell his commercial properties in the past, but she now feels he is fully committed to the City and putting in more effort to be a part of the community. She stated she felt he had a change of heart because of some of the great things that are happening in the City, such as the creation of SBOSS and the fundraising efforts for the Unlimited Play park, which will ultimately draw more people into the City to patronize the businesses. She stated it is has been a very busy month and the Council is committed to working through the budget and making the most prudent decisions that they can. She stated she thanked everyone that is committed to the City.

#### 11. City Administrator Report

Mr. Worthen reiterated the earlier comments regarding the need to improve, repair, or replace the roads throughout the City. He stated that recently there were several roads declared as major collector roads by the Federal Highway Administration; those roads include 1000 West, 2000 West, 3000 West, and Bluff Road. He stated that now that those roads have been identified they can be added to a State schedule for future consideration of widening or improvements with federal funding. He then reported that a local resident, Sid Stoker, and his family donated and planted flowers in the roundabout at 1000 West and 2700 South. She stated that he and the Mayor both contacted Mr. Stoker for his contribution to the City. He stated it is great to have community members that take it upon themselves to do those types of things. He stated that there

has been a struggle to get water to the plants, but that situation will be resolved quickly. Councilmember Clark stated that situation speaks to the benefit of social networking. He reported that a post was added to Facebook announcing that Mr. Stoker was planning to plant flowers and he asked for help, which resulted in a great turnout from many local residents.

12. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property

COUNCILMEMBER SHINGLETON MOVED THE COUNCIL ADJOURN INTO A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL. COUNCILMEMBER CLARK SECONDED THE MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS CLARK, HAMMOND, KIMMEL, PETERSON, AND SHINGLETON. VOTING "NO" – NONE.

The meeting adjourned into Closed Executive Session at 8:55 p.m.

Councilmember Peterson excused himself from the meeting at 9:15 p.m.

The meeting reconvened at 9:49 p.m.

At 9:50 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Peterson was not present when this vote was taken.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: July 13, 2010