

Minutes of the Regular Meeting of the Syracuse City Council held on June 22, 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 Chief Brian Wallace  
IT Director TJ Peace  
Building Official Jason VanAusdal  
GIS Technician Troy Moyes  
Administrative Intern Brant Hanson

Visitors Present:	Tyler Bodrero	Brent Dietrich	Shelly Dietrich
	Ted Clark	Willard Naugen	Jim Linnemeyer
	TJ Jensen	Scott Brood	Kevin Nagle
	Jerry Guffey	Craig Johnson	Travis Shingleton
	Bob VanVelkinburgh	Jeanne VanVelkinburgh	Cindy Gooch
	Theresa Sheffield	VeAnn Bean	Lurlen Knight
	Troy Shingleton	Tanna Woods	

### 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; Karianne Lisonbee provided an invocation. Mayor Nagle led all present in the Pledge of Allegiance.

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

### 2. Approval of Minutes

The minutes of the Special Meeting of May 20, 2010 were reviewed.

COUNCILMEMBER CLARK MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF MAY 20, 2010 AS PRESENTED. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

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

Councilmember Clark stated there were some insignificant typographical errors in the minutes and he will provide information regarding those errors to City Recorder Brown.

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

### 3. Public Comments

Cindy Gooch, 1483 S. 4500 W., stated that she sent an email to the entire City Council after she read an article in the Standard-Examiner regarding the fact that the Council had voted against entering into an agreement with Davis County to make the City part of an entitlement county that would have greater eligibility for Community Development Block Grant (CDBG) funding. She stated that having worked for Syracuse City in the past in the role of preparing CDBG grant applications for the community, she knows how difficult it is for this community to receive that type of funding. She stated she received a copy of the agreement that Davis County proposed and she found that it is very similar to the agreement the City has signed in the past in order to receive CDBG funding. She stated there are some minor differences because the agreement is with the County rather than the State or federal government itself, but overall it is very similar to the agreement any entity would be required to sign in order to receive a CDBG grant. She stated that the City received a \$44,000 grant for a passenger bus for the senior program and when the City made the application for that funding it was noted that the bus would be used specifically to serve the seniors of the community because that was one of the needs of the community at the time. She stated that the City also received \$150,000 to assist with an infrastructure project in the ranches subdivision; fire hydrants were upgraded, sidewalks were improved to meet American with Disabilities Act (ADA) standards, and the area was beautified. She stated that she realizes that some Councilmembers may have reservations about entering into this type of

agreement because the CDBG funding will not be provided directly to the City; rather it will be funneled through the County, but she wanted to remind the Council that the funding will not only benefit Syracuse City; it will benefit the surrounding communities. She stated that funding may be used for a women's shelter and it is important to note that the domestic abuse rate in Syracuse City is increasing and citizens of Syracuse may find themselves in need of taking advantage of those shelters. She added there are many other service oriented entities that would benefit from the CDBG funding as well, such as the food banks, family connection centers, the Davis Applied Technology Center (DATC), and behavioral clinics. She stated that she feels it is important for the Council to consider these types of things and reconsider the agreement. She stated there may be some room for negotiation or the County may be willing to make some concessions related to the concerns that the Council has about the agreement. She stated that CDBG funding is important for the community and it can assist in benefiting the senior citizens and the low-income residents of the community. She stated the City does not have sufficient funding to provide things for people belonging to those demographics and they end up being the last people on a long list to receive any assistance from the City.

TJ Jensen, 3242 S. 1000 W., stated that he got a chance to preview an advance copy of the July newsletter and he wanted to thank the City for adding the calendar back into the newsletter. He then stated that he wanted to follow-up on Ms. Gooch's comments. He stated that he knows there are a couple of Councilmembers that have issues with federal funding, but he wanted to point out that the federal funding is created by the tax dollars that every citizen pays to the Internal Revenue Service (IRS) each year. He stated that up to this point the citizens have been receiving a portion of those tax dollars in return, whether that has been through funding of necessary infrastructure projects that serve all citizens or through CDBG-type grant funding. He stated that if Syracuse City decides to stop accepting grant funding, which is essentially tax payer dollars, another city or community – possibly in another state – will receive them instead. He stated that he pays taxes to the federal government and he would like for some of the taxes to be returned to benefit him and his community. He stated that some people tend to only look at the small picture and consider how something affects them right here and right now, but he would encourage everyone to consider the bigger picture and remember that every tax payer contributes to the federal government and some of that money is returned to them via federally funded projects. He stated that the Antelope Drive project has been very visible over the past year and he reminded the Council that Syracuse City could not have paid for that project on its own without some assistance from the State and even the federal government. He stated that the City will be faced with making decisions to save secondary water by possibly implementing a watering schedule for all residents. He stated that is due to the fact that the City was unsuccessful in receiving a federal grant to upgrade a secondary water line on Bluff Road. He stated that if Syracuse citizens are willing to forego receiving a return of their federal tax dollars that is fine, but they need to realize that they will likely experience an increase in their local taxes. He stated that there is a time and place to fight this battle; the people need to get 60 United States Senators and 218 Representatives to agree to stop handing out entitlements and lower the tax burden accordingly. He stated that it will not be possible for one small community to accomplish that alone and until a national change is made, Syracuse City is only 'shooting themselves in the foot' by not accepting federal funding.

Karianne Lisonbee, 4334 W. 1700 S., stated that she visited the City's website today and printed out an agenda for tonight's meeting and she noticed there are some differences between the agenda that was on the website and the agenda that is located at the back of the room for visitors to pick up as they enter the meeting. She stated she wondered if the City is required to publish updates to the agenda in a given timeframe. She stated that item nine on the agenda that is located at the back of the room was not included on the agenda that she printed out from the City's website. City Recorder Brown asked Ms. Lisonbee when she printed the agenda from the website, to which Ms. Lisonbee answered 2:30 p.m. today. Ms. Brown stated she believed the City had posted the amended agenda yesterday at approximately 4:30 p.m. She stated that she would quickly access the City's website to ensure that the updated agenda had been added. Ms. Lisonbee stated that she checked the City's website again at approximately 5:30 p.m. and the updated agenda had not been added. Ms. Brown stated that item nine was added to the agenda yesterday and the City can legally amend any agenda 24-hours in advance of a meeting. Ms. Lisonbee stated that she understands that, but reiterated that the agenda was not on the website and that causes her to ask the question of whether the City is being transparent in their dealings. She stated the citizens did not have any warning that a resolution that was already voted down by the Council is being added to a new agenda. She stated that either she is a liar, or the agenda truly was not available on the City's website. Ms. Brown stated that she is not saying that Ms. Lisonbee is a liar; she asked for a short period of time to access the City's website to verify whether the updated agenda had been posted. Mayor Nagle asked Ms. Lisonbee if she had any additional comments. Ms. Lisonbee stated that is her only comment; she stated that she attended the work session meeting held prior to this meeting and found that agenda item nine was being discussed by the Council, even though the item was not on the agenda. She stated that is very concerning to her as a citizen. Ms. Brown confirmed that Ms. Lisonbee was correct and the updated agenda was not included on the City's website. She stated that means that the updated agenda was not made available to the Council via the website at least 24-hours in advance of the meeting. Councilmember Kimmel asked if the Council can still legally vote on agenda item nine. Ms. Brown explained that the City is not required to post Council meeting agendas on its website, but the State suggests or recommends that be done. She stated that according to the Open and Public Meetings Act, the City is required to provide a copy of the agenda to a local newspaper, provide a copy to each Councilmember, and post a copy at the location of the meeting at least

24-hours in advance of the meeting. She reiterated that the City is not required to post the agenda on its website, though the City does always strive to include agendas of all public meetings on the website. She stated she is confused as to why the updated agenda is not on the website because she posted it herself yesterday at approximately 4:30 p.m. She stated that the City has met the noticing requirements for this meeting and the Council can now make the decision as to whether they will consider agenda item nine or table it until the next Council meeting. Ms. Lisonbee stated that she would prefer that the Council not consider agenda item nine tonight.

Theresa Sheffield, 1087 Coventry Circle, stated that she plans to be attending Council meetings on a regularly basis. She stated that she has been following the dealings of the Council by viewing their meetings on the internet and reading the meeting summaries in the newsletter. She stated that overall she is pleased with what she has seen from most of the members of the Governing Body. She stated that she does have one concern to voice. She stated that the members of the Governing Body represent the citizens of Syracuse City. She stated that when they applied for their position and took their oath of office they should have understood that they were being sworn to represent the City as a whole. She stated there is one Councilmember that feels it is his responsibility to represent himself personally and he votes according to his personal beliefs. She stated that federal money is the people's money and the Council needs to be taking advantage of any access the City is given to that money. She stated that she believes that voting against taking advantage of that money is misrepresenting the citizens of this City. She stated that she would challenge any member of the Council to find 20 percent of the population of the City that call themselves Constitutionalists and ask them to agree with the vote against accepting federal money. She stated that she would be willing to wager that anyone would have a very difficult time doing that. She then thanked the Council for the job they are doing in the City and commented that she is happy with some of the progress she has seen. She stated she hoped that the Council will remember her comments and her concerns the next time they vote on a federal funding issue.

VeAnn Bean, 1509 S. 2600 W., stated that it is with great consternation that she found that resolution R10-18 was back on the Council's agenda for consideration. She stated that she agreed with the comments made by Mayor Nagle at the last meeting when she said that the resolution was great, in theory, but it was not something that the City wanted to abide by because there were too many opportunities for the agreement associated with the resolution to be misinterpreted. She stated that Mayor Nagle also commented that the City would lose autonomy if they signed the resolution and they would lose their voice in the process. She stated that Councilmember Shingleton mentioned that there were too many strings attached to the funding that could be provided through the agreement. She stated that she was happy that the Council had voted against authorizing the resolution and entering into the agreement. She stated that she hoped that the Council will make the same decision again tonight. She stated that the item was not included on the agenda that was made available to the public so she was glad that she made the decision to attend tonight's meeting.

Craig Johnson, 2148 W. 2375 S., stated that he wanted to express his opinion concerning the addition of reconsideration of R10-18 to the Council agenda for this evening. He stated that he believes that change begins at the local level rather than the national level. He stated that if people want to see a change in the entitlements that are being given, that change needs to start in the local communities and neighborhoods. He stated that the CDBG program is a bureaucracy type program that is out of the control of the City in many ways. He stated the City needs to 'think outside' in more ways and find funding options that do not include grant or federal monies. He stated there are a lot of citizens that will volunteer to help in whatever way they can and that would be very helpful to the community. He stated the City needs to tap into the citizens as a resource rather than always relying on a handout from the government or an entity bigger than the City. He reiterated that change needs to start at the local level. He stated that comments were made earlier about Constitutionalists. He stated he is a Constitutionalist and he believes in the Constitution and the limitation of powers afforded to the government. He stated he would ask that the Council remember the first vote they took on the issue and decide to vote against accepting the CDBG funds.

Karianne Lisonbee asked for an opportunity to readdress the Council. She stated that she wanted to say that she too is a Constitutionalist and she wanted to comment that the members of the Governing Body did not take an oath to the citizens; rather they took an oath to abide by the Constitution. She stated the Constitution is the law of the land and if it is interpreted it becomes rule of man, not rule of law; it can become whatever someone interprets it to mean rather than what the signers intended it to mean. She stated that she hoped that this community can abide by the rule of law, not the rule of man.

Councilmember Shingleton asked if it would be appropriate for the Council, at this time, to entertain a motion to strike item nine from tonight's agenda. Councilmember Clark stated that the posting requirements were met. Councilmember Shingleton stated that may be true, but there have been many discussions lately about the need for the Council to strive to achieve transparency in the City's business. He stated that he would recommend that item nine be tabled until July 13 in order to provide as much transparency as possible. Councilmember Hammond agreed and stated that this issue is such a divisive one and he wanted as many people as possible to be aware that the Council is discussing it. Mayor Nagle stated that she is not opposed to tabling the item until July 13, but she would like to address some of the comments that have been made tonight. She stated that County Commissioner John Petroff attended tonight's work session meeting and he concurred that citizens are currently paying a great amount of money in federal taxes and it would be great to change the system, but the way to change that system is at the federal level and not the County or City level. Mayor Nagle stated that

Commissioner Petroff explained that if the City does not operate under the system that is currently in place, the City will lose great opportunities. Mayor Nagle then stated that she recognizes that not everyone believes that the community has a responsibility to assist those citizens that may be less fortunate or are needy. She stated she would like to point out that the Council has heard public comments from citizens who are opposed to the City soliciting any kind of grant funding to assist in community events or needs and those citizens have volunteered to help and make contributions in lieu of the City using tax payer dollars. She stated she has followed up on those offerings and found that the people that had made those offers never followed through. She stated some of them even challenged others to make donations to follow their lead, but they never led in that direction. She stated that she recognizes the concerns that people have and it is popular at this time to stand against the government and she does not disagree that federal government has encroached on state and local municipality rights, but if people are going to make that stand they need to practice what they preach and that is not happening. She stated that the Council has been made aware of the number of people that are using the resources that are funded by CDBG grants; Syracuse City has a disproportionate number of abuse and sexual assault cases where victims are seeking refuge from their perpetrators. She stated that whether the local population believes it is government's role to provide services to those people, the fact is that those people are costing the community a great deal of money in one way or another. She stated that everyone watched with great horror the recent murder of a little boy unfold in Layton City and before that the case of the murder of a little girl in Syracuse City. She stated that she is not sure that those cases could have been prevented, but some programs that are funded with CDBG funds do take aim at preventing that kind of abuse. She stated she recognizes the comments that have been made by the citizens, but she encouraged them to back those comments up with their actions. She stated changes are not made by words alone. She reiterated that she is not opposed to tabling agenda item nine and she explained that the Council has received more information about the proposed agreement as well as some language that clarifies its intent and how the program will be administered. She stated that the resolution may ultimately pass or fail, but if it does fail she wondered what those opposed to receiving funding will do to fill the need that will remain.

COUNCILMEMBER SHINGLETON MOVED TO TABLE AGENDA ITEM NINE UNTIL JULY 13, 2010.  
COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Public Hearing – Subdivision Plat Amendment, Craig Estates  
Phase Three, located at approximately 2510 West Craig Lane.

The applicant is proposing a subdivision plat amendment for phase three of the Craig Estates Subdivision. The applicant's property is adjacent to a small common area of approximately 35 feet in width. The applicant had come to terms with the Bluff Estates Home Owners Association (HOA) to turn over the common area to him. This subdivision plat amendment is to simply redraw the boundaries of Lot 307 and eliminate the common area. Because this common area is such a small portion of open space this will not affect any of the requirements for open space for the Craig Estates Subdivision. When the applicant first appeared before the Planning Commission on December 15, 2009, the Commission directed the applicant to resolve a couple of issues before they forwarded them on. On Tuesday May, 18, 2010 the Planning Commission recommended to the Council approval of this application. City Staff reviewed the application and feels that the applicant has met all of the requirements of the City Land Use Ordinance for Plat Amendments and would recommend it for your approval.

GIS Technician Moyes reviewed the staff memo provided regarding this item. He stated that the land was previously managed by Craig Estates HOA, but a new HOA was formed and called Bluff Estates HOA. He stated that Bluff Estates HOA has given the applicant a letter declaring their intent to release the land to him. He explained the City has reviewed the plat for the entire subdivision, which is a cluster subdivision, and there is still adequate open space to meet the requirements for a cluster subdivision.

Councilmember Kimmel asked if the piece of land that the application is seeking ownership of is directly east of the property that he currently owns, to which Mr. Moyes answered yes. He then stated that the Quail Bluff Subdivision has sewer land drain lines that are running directly through some of the lots in the subdivision and there is a 10-foot easement over the utility lines.

Mayor Nagle asked Mr. Moyes to review the City Attorney's opinion on this issue. Mr. Moyes stated that the first thing that the City Attorney told him was that the City has no authority to maintain or oversee the business of any HOA. He stated that the City must simply consider the fact that Craig Estates was originally formed as a cluster subdivision, which requires a certain density and a certain amount of open space. He stated that those requirements will still need to be met after the subdivision plat amendment and his opinion is that the subdivision will still meet all the requirements even after the property in question is transferred to the applicant.

Councilmember Kimmel asked if the conflict between the two HOA's will ultimately need to be resolved without involvement from the City. Mr. Moyes stated that is correct. He then referred the Council to a letter included in their Council packets; the letter is dated April 15 and is authored by the Bluff Estates HOA. He stated the letter explains that the HOA is willing to release the property to the applicant. He then stated that according to State statute, the only reason that a City could cite to deny a plat amendment application is if that application will create reasonable hardship. He stated that the Council must ask themselves the question of whether granting this application will cause reasonable hardship to any party.

Mayor Nagle clarified that the current property owner has agreed to grant ownership of the property to the applicant. Mr. Moyes stated that is correct.

Scott Brood, 2510 Craig Lane, stated that the HOA that he is part of now separated from the older HOA that previously governed the entire subdivision. He stated that he has an unfinished back yard that he has wanted to finish for the past two years and this situation is one of the things that has kept him from finishing it. He stated that the HOA that he belongs to now has said that they are agreeable to turning the land over to him as long as he is willing to follow any process set forth by the City. He stated he paid a surveyor to survey the property and he has done everything else that he understands is necessary. He stated he is hoping for some final resolution on this issue.

Mayor Nagle then convened the public hearing.

TJ Jensen, 3242 S. 1000 W., stated that he feels that Mr. Brood's use of the land will be a good use as long as the subdivision still meets the open space requirements set forth by the City. He stated he would rather a homeowner assume the property than the City. He stated that as a homeowner that uses the utilities that traverse through the subdivision the only thing he would be concerned about is the homeowner keeping the utility easement open and clear.

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

**COUNCILMEMBER PETERSON MADE A MOTION TO GRANT APPROVAL FOR A SUBDIVISION PLAT AMENDMENT IN THE CRAIG ESTATES SUBDIVISION PHASE THREE, LOCATED AT APPROXIMATELY 2510 WEST CRAIG LANE. COUNCILMEMBER CLARK SECONDED THE MOTION.**

Councilmembers Hammond and Shingleton stated they would recuse themselves from voting on this issue because they both live in the Craig Estates subdivision. Mayor Nagle explained there is no reason for them to recuse themselves from voting as long as they disclose that they do not have any private interest in the application being denied or approved. Councilmember Hammond stated that he has no private interest. He then stated that he has a copy of another letter dated March of 2008 sent by the City to the Craig Estates HOA, which states that the HOA can not 'take away' any of the common areas included in the subdivision. He stated that at that time both HOA's were one HOA. He stated that this could set an interesting precedent for other cluster subdivisions in the City. He stated the requirements to provide 30 percent open space in a subdivision needs to be addressed by the Planning Commission.

Councilmember Kimmel asked if anyone understands what the developer's intent was for the property in question. Mr. Worthen stated that the Craig Estates Subdivision was developed in 1999; the intent of the parcel in question was to accommodate the sewer and storm drain easement coming out of the Quail Bluff Subdivision. He stated that in preliminary plan approval documents the land was identified as an easement and the developer, when seeking approval for phase three, later converted it to open space to be maintained by the HOA. He stated that the land was identified as open space to accommodate the utilities running through the area and the City approved that use. Councilmember Kimmel asked if the developer submitted covenants, conditions, and restrictions (CCRs) to the City to be recorded for the subdivision; the CCRs may have identified the maximum lot size and things of that nature. Mr. Worthen stated that the City does not get involved in approval of CCRs for HOA's. He then stated that the letter that Councilmember Hammond referred to dealt with some density issues, but it mainly dealt with maintenance of the open space in the subdivision.

Councilmember Hammond stated that he personally does not have any problems with what the Bluff Estates HOA has done, but he was concerned about setting a precedent for cluster subdivisions in other areas of the City. He stated that those types of issues should be addressed by the Planning Commission.

Councilmember Clark then stated he wanted to read the letter sent by the City to the Craig Estates HOA in 1998. He stated that the letter is not related to the issue the Council is dealing with tonight; rather it is related to the division of the Craig Estates HOA. He stated that the letter does not state that the HOA would not be allowed to, at a point in the future, dedicate any of the open space land to a different owner.

"Dear Mr. Clark,

In response to your request regarding division of the current Craig Estates HOA into two separate HOA's, I will state the City's position. First, the open or common area identified as part of the Craig Estates Cluster Subdivision must continue to receive general maintenance by the HOA. This would include all open area, including the area between lots 306 and 307. The City granted additional bonus density relative to conveyance of open space and its continued preservation; this open space should be maintained and cared for in part of the division of the subdivision bonus density. Regarding the division of the HOA the City has concern with maintaining the existing open areas; moreover I would request a copy of the HOA division agreement in draft form for review and consideration of possible upholding concerns. Assuming the division of the HOA does occur each entity should have equal access and enjoyment of the open space area within the subdivision."

Councilmember Hammond stated there are two purposes for the letter. Councilmember Clark disagreed and stated there is actually only one purpose for the letter. He stated that he can not see how the letter would, in any way, prevent any land in the subdivision from being conveyed to a new owner. Councilmember Hammond stated that he agrees with that aspect of Councilmember Clark's interpretation of the letter, but he felt it was further delineated that this issue should be

considered and defined by the Planning Commission, which has not been done. He stated that when the Planning Commission considered this plat amendment they were not aware of the open space aspect of the issue.

Mayor Nagle stated that this issue has already gone before the Planning Commission twice. Councilmember Hammond stated that may be correct, but the Planning Commission did not have a copy of the letter read by Councilmember Clark. He stated they have not considered the precedent that may be set for other cluster subdivisions. He stated there truly are two issues at hand this evening; first is the issue of conveyance of property within this subdivision, but second is how this will affect future cluster subdivisions. Councilmember Peterson stated that this subdivision as well as other cluster subdivisions would need to meet the requirements of providing 30 percent open space in order to be classified as a cluster subdivision. Councilmember Hammond stated that is correct. Councilmember Peterson stated that if that is the case he does not understand Councilmember Hammond's concerns.

Councilmember Shingleton asked if the subdivision still meets the cluster subdivision requirement that 30 percent of the subdivision be open space. Councilmember Clark viewed the photograph of the subdivision and stated that he would be more hesitant about the 30 percent open space being granted to the old HOA versus the new HOA. Councilmember Hammond stated that when the decision was made to divide the original HOA there was discussion about not reducing the common areas in the subdivision. He stated that nothing was said about maintaining 30 percent open space and as a result he is unsure of how that open space is divided. He then stated that he is comfortable with Mr. Brood's request as long as access to the easement on the property is maintained. He stated that he did not believe the Planning Commission addressed that issue and he asked if that assumption is correct. Mayor Nagle stated she did not believe that anyone was prepared to answer that question. Mr. Worthen stated there is a 10-foot easement that accommodates the two pipelines that are under the ground. He then stated that staff has reviewed the open space and bonus density requirements and they feel that the open space requirements will still be met after the property in question is conveyed to Mr. Brood.

Councilmember Hammond asked what can be done with the piece of property in question. Mayor Nagle stated that the current land owner wants to convey it to a new land owner and the City should not stand in the way of that type of transaction. Councilmember Hammond stated that the piece of property lies between two houses and he believed that the person that will be assuming ownership of the land wants to develop and fence it in to make it part of his yard. He stated that he feels that type of development is acceptable, but he wanted to ensure that it is acceptable to the City and if the City is comfortable that they will still have access to the utilities that traverse the land in that area. Mr. Worthen reiterated that is the purpose of the 10-foot easement access, which will always be recorded on the plat regardless of who owns the property. Mr. Moyes added that there are easements throughout the City and the City does not ask homeowners to keep those areas completely open; rather, the property owner is aware that the City can access the easement area at any time to install, repair, or maintain utilities.

Councilmember Kimmel stated that he agreed with Mayor Nagle. He stated that is a private land owner wants to convey part of their property to another private land owner who is willing to purchase it and the property still meets the City requirements, the City should not prevent that transfer of land from occurring. He stated that if there is an issue with the HOA it is not the Governing Body's role to interfere with that. Councilmember Hammond stated that he understands that.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed subdivision plat amendment; she called for a vote. ALL VOTED IN FAVOR.

Councilmember Clark asked Councilmembers Hammond and Shingleton if they voted on the motion, to which both answered yes. Mayor Nagle clarified that they did not recuse themselves from voting and the fact that they declared that they live in the Craig Estates Subdivision is sufficient. Councilmember Clark agreed and stated that he simply wanted to remind the Council that if they intended to recuse themselves from voting on an item they should also recuse themselves from participating in the discussion regarding that item.

#### 5. Subdivision Plat Amendment, Haylee Estates Subdivision, located at approximately 2449 South 1950 West.

On October 20, 2009 the Planning Commission recommended to the City Council the rezone of a .20 acre parcel of land located at 2429 South 1950 West. As stated during that meeting the desire of the applicant is to combine that small parcel with Lot One of the Haylee Estates Subdivision. The applicant is coming before the Planning Commission requesting a Plat Amendment of that rezone City Staff reviewed the application and has determined that the applicant has met all of the requirements of the City Land Use Ordinance for Plat Amendments. Staff recommends approval of the requested subdivision plat amendment.

GIS Technician Moyes reviewed the staff memo provided regarding this item. He stated that there has been a change made to the plat since it was provided to the Council. He stated that the City asked the applicant to place a 10-foot utility easement on the north property line and the applicant moved forward with making that change.

Mayor Nagle then convened the public hearing.

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

COUNCILMEMBER PETERSON MADE A MOTION TO GRANT APPROVAL FOR A SUBDIVISION PLAT AMENDMENT IN THE HAYLEE ESTATES SUBDIVISION, LOCATED AT APPROXIMATELY 2449 SOUTH 1950 WEST. COUNCILMEMBER CLARK SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Proposed Ordinance 10-05 amending the zoning map of Syracuse City by changing from Agriculture A-1 Zone to Residential R-1 Zone the parcel of property located at approximately 2154 W. 2700 S.

The applicants, Robby and Cindy Dabling of 1157 South St. Andrews Drive, own a 1.28 acre parcel of land, currently zoned A-1, that they would like to rezone to R-1, as identified in the General Plan and consistent with the surrounding uses. The Dablings previously lived in the home adjacent to this parcel. Before selling off 3.24 acres to UDOT for the West-Davis Corridor, the land was all one 5.86-acre parcel. They then sold the existing home, with 1.34 acres of land, to Russell Peterson, now living on that lot, which left this remaining piece on the east side. They put it up for sale and have an offer from a buyer who would like to build a home there, but the acreage does not comply with the A-1 zoning requirements for residential. None of this parcel encroaches into the Legacy Preservation Corridor, which must remain A-1.

GIS Technician Moyes reviewed the staff memo provided regarding this item.

Councilmember Kimmel asked when this application was submitted, to which Mr. Moyes answered approximately three weeks ago.

Mayor Nagle asked Mr. Moyes to identify the access points to the property. Mr. Moyes stated that the property fronts 2700 South and there is access from that road.

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED ORDINANCE 10-05 AMENDING THE ZONING MAP OF SYRACUSE CITY BY CHANGING FROM AGRICULTURE A-1 ZONE TO RESIDENTIAL R-1 ZONE THE PARCEL OF PROPERTY LOCATED AT APPROXIMATELY 2154 W. 2700 S. COUNCILMEMBER SHINGLETON SECONDED THE MOTION. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: VOTING "AYE" – COUNCILMEMBERS CLARK, HAMMOND, KIMMEL, PETERSON, AND SHINGLETON. VOTING "NO" – NONE.

7. Public Hearing – Proposed Resolution R10-19 adopting the Fiscal Year 2010-2011 budget.

The Fiscal Year (FY) 2011 budget is balanced and includes general fund revenue of \$6,135,984, which is less than a one percent increase over the FY 2010 and includes no property tax increase. No capital equipment purchases are being funded by the general fund and the City has \$102,000 available for road projects. City Departments have worked very hard to keep expenses at a minimum.

Mayor Nagle then convened the public hearing.

Lurlen Knight, 400 S. 2000 W., stated that he feels the budget looks good, but he has a couple of concerns. He stated that he read an article in the Standard-Examiner regarding the fact that the Council had voted against participating with the County to solicit CDBG funding. He stated that the City and the citizens will be paying taxes that are used to fund CDBG grants, but other communities will receive the benefits of those funds. He stated that Syracuse City has watched for the past couple of years as surrounding cities like West Point and Clinton have received millions of dollars in grant funding. He stated the City is trying to 'claw' itself out of the current economic situation and he is shocked that the Council would elect not to participate in a program that could improve the funding options of the City. He stated he appreciated that some may think that these types of programs can be classified as extremism, but he feels it is extremism to eliminate funding options. He stated he would like to know how the Council plans to come up with the needed revenues to fill the hole that will be left by eliminating the City's opportunity to receive CDBG funding. He stated that the budget includes a one-year, five-year, and ten-year plan and he hoped that the Council considered how their decision would impact those plans. He stated that another thing that he wanted to comment on is the salary scale for City employees. He stated there have been a lot of comments made about what past Councils have done relative to employee raises. He stated he feels the City has fallen into the 'same old' cycle where raises are not given for a long period of time because the Council wants to keep employee costs as low as possible, but eventually the City falls behind and can not compare with the wages offered by other cities. He stated he would like the Council to have a goal included in the budget to address keeping up with the market relative to wages. He stated that the employees are worthy of receiving a competitive wage. He then congratulated the Council on preparing a balanced budget, but he reiterated the need to find more revenue sources to fund the operations of the City. He stated he was not sure if there was a way for the Council to reconsider their vote regarding the CDBG program, but he would recommend doing that if possible. He stated that when he was on the North Davis Sewer District (NDS) Board they received information from an engineering firm that had conducted a study regarding the infrastructure in the United States and most of the country's infrastructure received a B-minus grade; the NDS received a B and Syracuse City was close to receiving a B grade, but what held the City back was the old infrastructure in the City that is near the point of failure. He stated that the Council needs to keep that in mind. He stated he believed that all of the Councilmembers live in newer subdivisions where infrastructure issues may not be a large concern, but they need to remember the other areas of the City and the citizens that

may live in fear of a water or sewer line break. He stated he would encourage the Council to keep that in mind as they work on their budget for the next FY.

Cindy Gooch, 1483 S. 4500 W., stated that in her private profession she attends city council meetings up to four times a week in different cities throughout the State of Utah and other states. She stated that every city is facing the same issue as Syracuse City, which is addressing declining tax revenues and finding adequate funding sources. She stated that the opinion that she wishes to present has been developed through her experience in her private profession. She stated that she works to solicit grant funding for various communities and she understands that Councilmember Kimmel and his 'group' probably do not appreciate that, but when she works for a community, like Coalville City for example, that has 1,000 residents and a failing sewer system and they can not afford to replace it on their own she has no reservations about asking the federal government for assistance. She stated she feels very strongly that this community must realize some of its strengths and weaknesses and some of the weaknesses of the community are the fact that the City can not find funding to repair roads. She stated that she is a citizen that pays a lot of money in federal taxes and wants that money to come back to the City. She stated that the Council does a disservice to all citizens that live in this community by choosing not to go after any available grant funding. She stated that she realized that a change may be necessary in the federal government, but that is not going to happen right now and the Council needs to take advantage of funding options. She stated that the Council could realize that there are funding opportunities to take care of the City's roads, even though the City currently has no money in the budget for roads. She stated there are grant opportunities available to assist in those types of projects. She stated they may be federal grants and they do have strings attached, but she deals with those strings every day and she has helped communities realize successful projects as a result. She stated that if the Councilmembers want to be known as someone that works for their community they should take advantage of grant opportunities, whether they are federal, state, or private. She stated they grants are important and they help make things happen; without them, the City's budget will continue to be in a failing condition. She stated that some citizens have said they would volunteer so that the City is not forced to solicit grants; she would invite those citizens down to the Museum where help is desperately needed. She stated the Museum can not hire and pay employees so instead they have senior citizens volunteering to run the Museum; her father is 80 years old and he climbs on ladders in the Museum that the public works employees would refuse to use. She challenged Councilmember Kimmel to come to the Museum to work. She stated that people constantly say they will volunteer for different things in the City and it never happens.

TJ Jensen, 3242 S. 1000 W., stated that he has a question; he asked if the budget includes any type of tax increase, to which Mayor Nagle answered no. Mr. Jensen stated that he is aware that funding for road projects is non-existent in the budget. He stated that he lives on a major collector road and he can watch it disintegrating in front of him. He stated the Council needs to realize there is a cost to delaying road and other type of infrastructure repairs. He stated that a portion of funding for some infrastructure projects may come from impact fee revenues, but the remaining funding will need to come from the City's general fund. He stated that last year the Council was considering a tax increase and they voted against approving that tax increase and he feels that was a missed opportunity. He stated that a double digit tax increase was proposed, but the Council could have considered a smaller tax increase, possibility of five or eight percent, and the revenues generated by that increase would have helped the City's financial situation. He stated that if the City is going to stop taking advantage of federal grant monies the Council will need to make the decision to shift the burden to the citizens via a property tax increase. He stated he would encourage the Council to begin considering modest tax increases to improve future budgets of the City.

Theresa Sheffield, 1087 Coventry Circle, stated that she wanted to talk more about federal grant options. She stated she is grateful for the comments that have been made to this point. She stated she could not agree more with Mayor Nagle when she made the comments about the lack of volunteerism in the community. She stated that people say they will volunteer, but they do not follow-through. She stated that she is a busy person as are all the City Councilmembers and it is hard for them to fit extra volunteerism into their schedule. She stated that things will not get done if the City relies solely on the volunteerism of citizens. She stated that Ms. Gooch writes grants for a living and she knows what she is talking about. She stated that she believed that it is likely that every person in attendance this evening has taken advantage of federal money at one time or another in their lifetime. She stated everyone should keep that in mind.

Craig Johnson, 2148 W. 2375 S., stated that he wanted to commend the Council for the work they do for the City. He added that he appreciated that all Departments have 'tightened their belts' in order to balance the City's budget. He stated that he seems like the City is operating as a fiscally responsible entity. He stated he remembered the budget conversations that took place last year and there were a lot of commitments from the Council that the City would 'tighten its belt' and he thanked the current Council for putting those words into action.

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

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-19 ADOPTING THE FISCAL YEAR 2010-2011 BUDGET. COUNCILMEMBER PETERSON SECONDED THE MOTION.

Councilmember Clark asked if the City's tax rate is being maintained or lowered. Mayor Nagle explained that Davis County presented a certified tax rate that was slightly higher than the City's current tax rate. She stated that the City's

property values have fallen and the slightly higher tax rate will help the City realize the same amount of money in property tax revenues as was realized in the last FY.

COUNCILMEMBER SHINGLETON OFFERED A SUBSTITUTE MOTION TO ADOPT PROPOSED RESOLUTION R10-19 WITH THE FOLLOWING CHANGES TO THE FISCAL YEAR 2010-2011 BUDGET:

- REDUCE BY HALF THE FUNDING OF \$4,000 FOR THE ARTS COUNCIL.
- REDUCE BY HALF THE FUNDING OF \$1,500 FOR THE MISS SYRACUSE PAGEANT.
- REDUCE BY HALF THE FUNDING OF \$1,000 FOR OF DONATIONS TO HIGH SCHOOL GRADUATION PARTY COMMITTEES.

COUNCILMEMBER SHINGLETON STATED THAT HIS MOTION WOULD INCLUDE MOVING THE MONEY REALIZED BY THOSE REDUCTIONS TO THE GENERAL FUND TO BE USED FOR ROAD CONSTRUCTION PROJECTS.

Councilmember Clark stated that he would like for the Council vote on his previous motion, which was seconded by Councilmember Peterson. Mayor Nagle called for a vote on the initial motion. VOTING "AYE" – COUNCILMEMBERS CLARK AND PETERSON. VOTING "NAY" – COUNCILMEMBERS HAMMOND, KIMMEL, AND SHINGLETON.

Councilmember Clark stated he would like to explain why he disagrees with Councilmember Shingleton's motion. He stated that the programs that will be impacted by Councilmember Shingleton's motion are good programs and the approximately \$3,000 that will be realized by the budget alterations are not going to do anything to improve the state of the roads in the City. Councilmember Peterson agreed. He added that the Council has met with each Department in the City and there was never any discussion about making these types of changes to the funding for these programs. He stated that he is concerned that Councilmember Shingleton would make this suggestion now when there is no representation from the groups that will be impacted. Mayor Nagle agreed and stated that this is related to the issue of transparency. She stated that the representatives of the three programs mentioned by Councilmember Shingleton have all met with the Council and answered questions about their programs and there was no indication that their budgets may be cut in half. Councilmember Kimmel asked for clarification as to which Department is assigned the budgets for donations to the three programs in question. Councilmember Peterson stated that he is not sure if the budgets for the three programs are assigned to any one Department, but the Council has talked about each of the budgets. He stated that the Director of the Miss Syracuse Pageant attended a work session meeting and talked about her budget and the Arts Council President attended the Council/Administration retreat and talked about their budget as well.

Councilmember Clark added that if the Council is going to vote to reduce the budgets for the three particular programs mentioned by Councilmember Shingleton, they should consider cutting funding for other programs as well. He stated he is not comfortable with the fact that this is the first time that Councilmember Shingleton is making this recommendation. He stated this issue could have easily been added to a work session agenda for further discussion. He stated that Councilmembers Hammond, Kimmel, and Shingleton have previously placed great emphasis on transparency of the City's dealings, which he thinks is important as well, but he would like them to be consistent in their application of transparency. He stated that he would not argue with eliminating the donation for the high school graduation party committees.

Mayor Nagle stated that the Council also needs to be consistent when considering which programs to support. He stated that a citizen spoke about the Museum during the public hearing regarding the budget and she wanted to point out that the City subsidizes the Museum and she wanted to know if Councilmembers Hammond, Kimmel, and Shingleton were in favor of eliminating that funding as well. She stated that so many budget cuts have been implemented and the Council needs to stop and ask themselves at what point the budget cuts are going to begin eroding the history of the City.

Councilmember Clark stated that at this point the Council could realize a greater savings to be contributed to roads by cutting the Heritage Days fireworks. Councilmember Shingleton stated he would have recommended cutting the fireworks budget, but he hesitated to do so for two reasons; one was that the fireworks draw a crowd and the second is that the Council previously understood that a business was going to financially sponsor the fireworks and they backed out of that commitment at a later date. Mayor Nagle stated that the Arts Council productions also draw a crowd. Councilmember Clark agreed and stated that the City could eliminate the funding for the production of the play "Joseph and the Amazing Technicolor Dreamcoat". Councilmember Shingleton stated that production will be the responsibility of the Arts Council. Mayor Nagle reminded Councilmember Shingleton that he recommended reducing the Arts Council budget by half. Councilmember Shingleton stated he understands that and added that it may be possible to fund the Arts Council productions via donations. He stated that the Museum was originally built and operated with donations and 'we' could implement the same practice for Arts Council. Mayor Nagle stated that people often use the word 'we', but no one is in charge or leads the 'we' group. Councilmember Kimmel stated the alternative is force; if people are not willing to participate in programs in the City that offer culture, history, and heritage, as well as a lot of other good things then they are losing out. He asked if the City should force the Museum on the people, even though they will never participate in it and understand what the heritage of the City truly is. Councilmember Clark stated that the City is merely providing a means by which programs can occur rather than funding the entire process. He stated that people will purchase tickets to attend the productions of the Arts Council, but the Arts Council must have some money up front to produce the show. He stated that the people that are volunteering to

work on the Arts Council productions will not donate those up front costs because they do not get anything in return for that kind of contribution. Councilmember Kimmel stated that his argument would be that it is the responsibility of every tax payer to pay for those types of programs. Councilmember Clark stated that he does not understand Councilmember Kimmel's comments. He stated that the Arts Council programs benefit many people in the City. Mayor Nagle added that last year the Arts Council produced the "Pirates of Penzance"; they received funding from the City in the amount of \$4,000, but they generated revenues totaling more than \$5,000. She stated she would interpret that as an investment in the City and in the arts and the citizens clearly wanted to attend that function – it was not forced on them. She used the analogy that farmers must first buy seeds in order to realize a crop. She stated the Arts Council needs funding to provide a production that will draw people.

Councilmember Peterson asked Councilmember Shingleton if he is the liaison to the Arts Council, to which Councilmember Shingleton answered yes. Councilmember Peterson asked Councilmember Shingleton if he discussed his proposal with the Arts Council President, and if so, how did she respond. Councilmember Shingleton stated he has not presented his proposal to the Arts Council President. He then stated that he would love to see a transition where parents begin running the recreation and sports programs in the City. He stated that almost every city in the State, with the exception of cities in Davis County, has privately run recreation programs with no support from tax payer dollars. He stated he has concerns with the fact that tax payers subsidize the youth sports programs and that is one of the reasons that participation fees were raised last year. Mayor Nagle stated that it is imperative to compare 'apples to apples'. She explained that in Salt Lake County there are enormous recreation centers that generate tremendous profits; those buildings were funded by tax payer dollars and the revenue generated by the buildings is used to fund recreation programs. She stated that Syracuse City chose not build a recreation center like those in Salt Lake County and the result is that the Community Center costs the City a tremendous amount of money versus generating revenue. Councilmember Shingleton stated that if Mayor Nagle took a closer look she would find that most cities do not fund little league recreation programs. Councilmember Clark stated that it would be valuable to look into that issue and he would encourage Councilmember Shingleton to do that. He stated that the Council needs to recognize that there are pieces of the community that would not exist without grants, such as Jensen Park, the trail underpass, and the Community Center. He stated that some have said that those types of things should be funded by private donations, but that would have meant that the City would have needed to receive at least \$5 million in donations to complete the three projects that he referenced. He stated that would not have happened and the only remaining option would be to increase property taxes. He stated that to construct the trail underpass it would have cost each household \$14 per month in a property tax increase. He stated that he did not think that citizens would be willing to pay that. He stated the Council needs to be realistic. He stated that he recognizes what the other Councilmembers have said this evening and he finds some legitimacy in some of the comments, but as a City the only way to increase income is to increase taxes. Councilmember Kimmel stated that he understands what Councilmember Clark is saying, but the City needs to reexamine its proprieties. He asked if it is government's role to provide culture, recreation, arts, and jogging trails. Mayor Nagle stated it is the government's job to give the people what the people want. Councilmember Kimmel stated that is not the government's job in a constitutional republic. Mayor Nagle stated that is Councilmember Kimmel's opinion. Councilmember Kimmel stated that is not his opinion; rather it is stated in the Constitution. Mayor Nagle stated the Constitution is of the people, by the people, and for the people and if the people want those things listed by Councilmember Kimmel, that is what they should have. Councilmember Kimmel stated the Constitution defines the limited powers of government.

Mayor Nagle stated she wanted to revisit the issue of transparency. She stated that earlier this evening the Council came to an agreement that an agenda item should be tabled because some citizens were concerned that the amended agenda for this meeting was not provided on the City's website 24-hours in advance of the meeting. She stated that now Councilmember Shingleton has made a motion to make changes to the budget that were not discussed with the entire Council beforehand. She stated that the Council has a direct liaison to the Arts Council in Councilmember Shingleton and he has not even bothered to have a conversation with them about this issue. She asked what kind of message that sends. She stated she felt the Council is saying that transparency is good when it suits the Council's needs, but when it does not suit the Council's needs transparency is not important. She stated the Council needs to be consistent in their application even if transparency does not always suit them well. She stated that she feels it is disingenuous to the Arts Council to make this suggestion during the final hour of budget consideration. Councilmember Kimmel stated that Councilmember Shingleton also included in his motion the suggestion to reduce the budget of the Miss Syracuse Pageant, which is used for a college scholarship, and the contributions to the local high school graduation party committees. Mayor Nagle stated the Council held a public hearing regarding the donations to the high school graduation parties and the Council voted to approve it. Councilmember Kimmel stated that now a couple of Councilmembers are asking to change that process in the future. Mayor Nagle stated that she is not saying that it is right or wrong to approve or disapprove those contributions in the future. She stated her concern is that there was no transparency regarding this discussion tonight. She asked why Councilmembers Hammond, Kimmel, and Shingleton did not speak with the Arts Council about what their proposal would be this evening. She stated that instead someone from the City will be forced to call the Arts Council tomorrow morning and tell them that their budget was cut in half and they did not have an opportunity to fight against that.

Councilmember Clark stated that if Councilmembers Hammond, Kimmel, and Shingleton are intent on reducing the budgets for the three programs mentioned, he would prefer that the Council adopt the proposed budget tonight and then, at a later date, hold a discussion about this issue with the parties that will be affected before opening the budget for modification. He stated that he agrees with the Mayor's comments on this issue. He stated the budget had been reviewed at length and each Department Head has been given the opportunity to review their budget with the Council to provide as much transparency as possible. He stated that he thinks it would be a big mistake to make last minute cuts to the budget this evening, especially when considering the amount of money that will be saved by the cuts. He stated that \$3,000 will not go far in repairing roads. He stated that the Council should have been setting aside hundreds of thousands of dollars each year for road projects. He stated the City has \$7 million worth of outstanding road projects. He stated he understands that roads are a big problem and the Council needs to find a solution.

Councilmember Shingleton stated he would withdraw his motion because he feels the Council owes it to the Arts Council, the Miss Syracuse Pageant Committee, and the high school graduation party committees to have a discussion about his recommendation. He stated that he will raise the issue again in the near future. Mayor Nagle stated that is fair. Councilmember Peterson agreed and stated that his only concern was that no one from the City had talked to the groups that would have been impacted by a favorable vote on Councilmember Shingleton's motion. Councilmember Shingleton stated that he will also work towards a transition to see that the sports programs in the City are run by parent organizations rather than the City. He stated that type of change would save the City hundreds of thousands of dollars in the long run. Councilmember Clark stated that he would support Councilmember Shingleton in that endeavor.

**COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-19 ADOPTING THE FISCAL YEAR 2010-2011 BUDGET. COUNCILMEMBER PETERSON SECONDED THE MOTION.**

Councilmember Kimmel stated that he did express concerns about various aspects of the City's budget and he asked for some items to be amended. He stated there have been good discussions on those issues and the Council ultimately came to consensus on how to proceed.

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, HAMMOND, PETERSON, AND SHINGLETON. VOTING "NAY" – COUNCILMEMBER KIMMEL.

Councilmember Clark inquired as to why Councilmember Kimmel voted in opposition. Councilmember Kimmel stated that he voted against the option of the budget because he is not in favor of including funding for college education tuition reimbursement for employees, funding for the Police Department's DARE program, and funding of donations to the local high school graduation parties. He stated that he would be in favor of discussing and re-opening the budget in the future

#### 8. Proposed Resolution R10-20 recognizing legislation enacted by Senate Bill 43.

Senate Bill (SB) 43 passed March 1, 2010 by the Legislature, changes retirement requirements for employees who have already retired from Utah Retirement System (URS) and returned to work with a URS participating employer. These employees have been termed "double-dippers" because they are receiving a retirement benefit from URS and also receive a retirement contribution from their employer. Currently, if an employee retires within the URS and returns to work, the employer is required to pay to a defined benefit plan (i.e. 401k plan) the same percentage that would have gone to URS had the employee not been retired. So instead of paying URS, the City is paying into a 401 plan. SB 43 removes this requirement. Starting July 1, rehired retirees will continue to collect their retirement benefit and may, at the discretion of the employer, receive a defined contribution. The employer determines the contribution amount, but that amount cannot exceed the "normal cost" determined by URS.

Staff recommends the City set a policy determining the contribution amount paid to employees who have retired and returned to employment. Possible policy options discussed include:

- Contribution amount set at "normal cost" determined by URS for each retirement system. The normal cost varies by type of employee. In FY2011, the normal cost is as follows:
  - Public Employees 11.19%
  - Public Safety 21.64%
  - Firefighters 16.77%
- Contribution amount set at the public employees "normal cost" for all types of employees, i.e. 11.19% for FY2011.
- Contribution amount set at zero.

If a decision is not reached by the Council prior to July 1, 2010, the City will maintain the normal contribution rates until a resolution is passed.

Mayor Nagle reviewed the staff memo provided regarding this issue.

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-20 RECOGNIZING LEGISLATION ENACTED BY SENATE BILL 43 WITH THE DIRECTION THAT THE DEFINED CONTRIBUTION BE SET AT THE "NORMAL COST" AS DETERMINED BY THE URS IN EACH FISCAL YEAR. COUNCILMEMBER PETERSON SECONDED THE MOTION.

Councilmember Peterson stated that he favors the option recommended by Councilmember Clark. He stated that he recognizes the impact that 'double dippers' can have on the URS and he understands why the Legislature enacted SB 43, but he feels the most appropriate thing for the Council to do in this case is maintain fairness and equity. He stated that if the Police Officers of the City are going to receive a benefit, a Police Officer that is also a double dipper' should receive the same benefit. Councilmember Clark agreed and stated that there is only one employee in this category and there is no opportunity for this situation to occur again after July 1, 2010.

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, HAMMOND AND PETERSON. VOTING "NAY" – COUNCILMEMBER KIMMEL AND SHINGLETON.

9. Reconsideration of 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.

This item was considered by the Council on June 8, 2010 and the Council ultimately voted against entering into the interlocal agreement. At a later date, Mayor Nagle was presented with additional information regarding the proposed resolution and interlocal agreement and she directed that an item be added to a future Council agenda to allow the Council to formally consider the new information.

COUNCILMEMBER SHINGLETON MADE A MOTION TO TABLE CONSIDERATION OF 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 HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

#### 10. Department Report – Building Department

Building Official VanAusdal approached the Council and stated that Building Department is funded through building permit and plan review fees. He stated the budget each year is based on the projections for the number of building permits that will be issued. He stated that the number of permits that has been issued to date this year is 181. He stated that number encompasses any type of permit that can be issued by the City. He stated that last year at this time the City had issued 205 permits; 19 of those permits were for the demolition of structures on Antelope Drive prior to the commencement of the road widening project. He stated that as of today the City has issued 44 single family dwelling permits, compared to 43 at this time last year. He stated that his Department conducted a survey recently and found that there are approximately 430 improved building lots available in the City. He stated the majority of them are ready to be built upon today. He stated that would translate into four years worth of permitting work for the City with no new subdivisions being developed. He stated that at the high point of development, approximately four years ago, the City was issuing 767 single family residential permits. He stated that number displays how badly the City was hurt when the 'housing bubble' burst. He stated that at that time the Building Department consisted of eight employees and now he has a staff of three.

Councilmember Clark asked Mr. VanAusdal if he has any idea which developers own lots in the City. Mr. VanAusdal explained that Ivory Homes is the original owner of three developments in the City and they are actively purchasing additional lots near the Glenn Eagle Golf Course. He stated the Castle Creek Homes also owns a lot of building lots in the City.

Councilmember Hammond asked Mr. VanAusdal if he has any information about the developed commercial properties that are currently vacant. Mr. VanAusdal stated that he did not investigate commercial properties as part of his survey. He stated that he would be happy to try to gather some information on commercial properties and provide that to the Council. Councilmember Hammond stated he would like for Mr. VanAusdal to send him an email with that information.

Mr. VanAusdal explained that his Department is involved in subdivision developments and even though there is not a lot of new development occurring in the City his staff is kept busy conducting warranty inspections for properties that are now two years old. He stated that once those inspections are completed the City releases escrow money to the builders and assumes responsibility for the improvements. He then reported that he is in the process of writing a policy manual for his Department and that document is approximately 80 percent complete. He stated that his staff previously operated according to a verbal code of conduct, but he has been documenting that code for easier use. He stated that his Department has also been working on the rewrite of Title Eight of the City Code, which governs subdivision development in the City. He stated the rewrite has been ongoing for nearly two years and the Public Works Department is now reviewing it and they will insert their recommendations. He then reported that one of his inspectors, Tex Couch, recently received his Master Code Professional designation through the National Code Council and they will attend a future Council meeting to commend Mr. Couch for that achievement. Mr. Couch is one of 11 inspectors in the State that has received that designation. Mr. VanAusdal reported that he recently passed his Administrative Building Official exam. He stated that these types of

achievements help keep the City's Insurance Services Organization (ISO) rating as low as possible. He then reported that his Department recently became certified in CPR; his Department's responsibility as a first responder is to clear command centers, which is where CERT team members or Public Safety personnel will take injured citizens to in the case of a disaster.

Mayor Nagle stated that she appreciated what Mr. VanAusdal does for the City and she commended him for supporting Mr. Couch in achieving his high level certifications.

Councilmember Clark stated that he also appreciates what Mr. VanAusdal does and he commended him for taking it upon himself to work to streamline many processes in the City.

## 11. Councilmember Reports

Councilmember Kimmel stated that he appreciated all of the comments that had been made as well as the debate that took place during tonight's meeting. He stated he feels those things are healthy and they help people understand other's opinions and beliefs and that is what makes 'our' culture great. He stated he wanted to report on his first meeting as a member of the North Davis Sewer District (NDS) Board of Trustees. He stated that he was able to get to know the members of the board and he learned a little about what the NDS is involved in and what they do for Syracuse City and other neighboring cities. He stated he took a two hour tour of the property and learned a lot about their operations. He stated that it was amazing to see the processes used at the plant; they somehow turn wastewater into drinkable water. He stated that the NDS maintains approximately 100 miles of pipe that serves seven different cities and portions of unincorporated Davis County property. He stated that those lines serve just over 95,000 connections. He stated that the NDS Board is made up of seven members, one of which is the Chair person and his name is Ivan Anderson. He stated that in his experience to this point Mr. Anderson does a great job and he is very knowledgeable. Mayor Nagle asked if Mr. Anderson will be required to resign from his position on the Board due to the fact that he is not an elected official. Councilmember Kimmel stated that topic has not been discussed by the Board since he has been participating. He stated that Mr. Anderson is well tenured; he has been on the Board for 22 years, 16 of which he has been the Chair person. He then reported that the NDS has a \$30 million cash surplus, which far exceeds the surplus held by any other waste water entity in the State of Utah. He stated that last year the NDS raised their user fees and this year the Board will be proposing a 10 percent tax increase. Mayor Nagle asked why the Board is proposing a tax increase if they have such a healthy surplus. Councilmember Kimmel stated that he asked the same question and the explanation that he was given is that in the event of a natural disaster it would cost the NDS \$1 million to replace each mile of pipe line; therefore, they want to maintain their surplus. He stated that he is of the opinion that if a state or national emergency is declared the NDS would have access to funding set aside to assist under those circumstances. He stated, however, that the Board is comfortable retaining their surplus money for a 'rainy day'. Councilmember Clark stated that he would compare the NDS to the Wasatch Integrated Waste Management District (WIWMD) and he explained that they also accrue funds to pay for the closing of the landfill when that becomes necessary. Councilmember Kimmel stated that the NDS owns 500 acres of land and they will have the ability to expand if necessary. He stated they have done a great job of looking into the future and they have made some great advances in their field; they have made great use of available technology and they have greatly cut down the amount of time and waste spent on materials processing. He added that they conducted a study that reviewed the median wages in the private and public sector and they decided to pay all their employees in the 90<sup>th</sup> percentile in order to reduce turnover. He stated they have some very dedicated employees. He added that the lab at the NDS plant is fantastic and it provides service to entities throughout the State. He stated the facility is top-notch, which he was pleased to see. Councilmember Kimmel then stated that he wanted to quickly touch on a couple of discussions that took place this evening relative to federal tax dollars. He stated that this issue is very controversial right now and it seems that some in the community have tried hard to define who he is and where he stands on those issues. He stated that he wanted to go on record and explain his beliefs; he believes that government should provide roads, but that is one of the few things that government should provide. He stated that he believes that the role of government should be very limited and constrained. He stated that it seems that everyone is focusing on what is provided and what is not given to certain groups of people or projects rather than considering the principle. He stated that the Council must consider their roles and authority. He stated that if a citizen does not have the authority to do something the same is true for a Councilmember because a Councilmember can not do anything that a citizen can not do. He stated that in representing the people his contract with them is the Constitution of the United States; he promises and swears an oath to the Constitution and by obeying the Constitution and voting according to the Constitution he fulfills his commitment to protect the citizens' rights, freedoms, and liberties. He stated that when something falls outside the scope of what the Constitution allows he can not vote for it. He stated that everyone wants to help the needy, but if an issue falls outside of the power that he has been given he can not vote for it. He stated that during tonight's work session a visitor, Bob VanVelkinburgh, commented that his wife had been very involved in the opening and inception of a women's shelter. He stated he felt that citizens should be taken care of through community involvement like that rather than via federal funding. He stated that there was also a discussion in the work session in regards to the City possibly implementing a green waste recycling program. He stated that the Council received a presentation from a contractor that would provide collection services and he told the Council that if the City were to implement an opt-in program, whereby the City would send a letter to each citizen giving them the opportunity to participate in the program, the participation levels would typically be very low at less than 10

percent. He stated that an opt-out program would have a higher participation rate, but the program would be forced upon the citizens and implemented without their consent. He stated that citizens would be forced to pay for the program for at least a year. Councilmember Clark stated that the contractor misspoke when he communicated that information to the Council. Councilmember Kimmel stated that regardless citizens would be forced to take action to opt-out of a program or they will be charged for being involved in that program. He stated that if the Council chooses to implement a green waste recycling program, which he is in favor of, he would prefer that the opt-in option be implemented.

Councilmember Peterson stated that he had nothing to report.

Councilmember Clark stated that he attended the Syracuse Idol event that is part of the Heritage Days celebration and it was very well organized. He stated that he wanted to announce the three people that were selected to advance and they are Sarah Richards, Kiera Clark, and Kaylee Chatelain. He stated that tonight there will be a chalk art display on the sidewalk in the park adjacent to the Community Center. He stated that he hoped that everyone will participate in Heritage Days in some way and that the changes to the events will bring more people into the City.

Councilmember Hammond stated that the Museum Board has been waiting six months for the Administration and the City Attorney to prepare a draft set of bylaws and he wondered when the Council could expect to receive a draft of those bylaws. Mr. Worthen stated that he has already reported that the bylaws will be made available to the Council during their July 13 meeting. Councilmember Hammond then stated that he wanted to compliment the staff for 'stepping up to the plate' and doing the work necessary to present the Council with a balanced budget. He complimented Mayor Nagle and Finance Manager Fowles for taking the lead in that effort. He then stated that the City is in the midst of its Heritage Days celebration and there are still some big events to come. He stated that he hoped that everyone would participate in the celebration in some manner. He then stated that he wanted to remind the City staff that the City's 75<sup>th</sup> birthday is quickly approaching and he would like to see some type of event organized to celebrate. Councilmember Clark stated that he spoke with West Point Mayor Craythorn regarding their birthday celebration; they had coins made to distribute to citizens and those coins cost the City approximately \$2 to \$3 each. He stated it would be good to do some type of survey to see if people would be interested in purchasing such a commemorative token to celebrate the City's birthday and, if so, he would be in favor of having 100 to 200 coins made. Councilmember Hammond then stated that he knows that the Miss Syracuse Pageant is a 'hot button topic', but he wanted to report that the Pageant was very professionally organized this year. He stated that he was not in attendance at the event, but he has heard comments from several people that were very pleased with the production.

Councilmember Shingleton stated that he would encourage everyone in the City to attend the events associated with the Heritage Days celebration; there are several great activities to choose from. He stated that a carnival has been added to the list of events and people can purchase tickets to the carnival at the Community Center. He explained that a portion of the proceeds generated by ticket sales will be donated to the Unlimited Play park. He stated that the City recently resumed the practice of sending a paper newsletter to each household in the City and businesses were given the opportunity to pay for advertisement space in the newsletter. He stated that the Syracuse Business Organization Strategic Support (SBOSS) group paid for the first edition in its entirety. He then stated that he wanted to thank those businesses in the community that have sponsored different Heritage Days events; there are approximately 12 or 13 entities that donated money or services to help make the events a success. He stated that some citizens in the community are volunteering their services, but volunteerism rates are not as high as he would like to see. He agreed with Mayor Nagle's previous comments that people need to back up their commitments by following through and volunteering or donating to specific causes. He stated that he hoped to see a new section added to the City's newsletter that highlights volunteerism opportunities. He then thanked the City staff for assembling a balanced budget. He stated that the budget and the City's financial situation is not perfect and there are some improvements that can be made, but he felt the Council has kept the best interests of the citizens in mind.

## 12. Mayor Report

Mayor Nagle stated that roads conditions are a very critical issue for the City and she is very excited that the City's new Finance Manager has been able to dissect the City's budget in order to move forward with implementing some changes that will eventually assist in improving the overall condition of the City's roads. She stated that some of the practices used in the past have contributed to the City's declining roads. She stated that she knows that situation with the roads is bleak and dire and she is aware that the Council must develop a plan to fix that situation, but she is happy that - at the very least - the Council now knows where money is, where it is being spent, and that it is being properly allocated. She stated that roads must be the primary focus of the Council from this point forward; something needs to be done because it does not make sense for people to build nice, beautiful homes in the City if there are no roads to access them. She then reported that she had a conversation with the Utah Department of Transportation (UDOT) today regarding the historic Walker home. She stated that the City is not in a position to buy the home so she is trying to facilitate negotiations between UDOT and a local business owner whereby UDOT would sell the home to the business. She stated that at the least UDOT has committed that they will not demolish the home even after the completion of the Antelope Drive road widening project. She stated that was her primary concern. She stated that if UDOT is not able to reach a favorable deal with the local business owner they will market the home for sell to other interested parties. She then reported that she attended the Syracuse Idol event last night and it was a lot of fun. She stated it was great to see the number of people in attendance and she was pleased that the road construction

in the area did not prevent too many people from attending. She stated that she wanted to commend the City's Parks and Recreation employees for all their hard work to organize the events associated with Heritage Days. She stated that Syracuse City has transitioned into a fairly large city that operates more like a corporation, but it was great to experience the atmosphere of a smaller town made up of employees that are working together towards a common goal. She then reported that she was invited to a Young Women's Christian Association (YWCA) benefit last month where they held a fund raiser to benefit women's shelters in Utah. She stated that each year the YWCA invites a fairly impactful speaker to address the group of attendees and this year was no exception. She stated that the woman that spoke to the crowd was very beautiful and well spoken and if one passed her on the street they would likely think she was a very wealthy woman. She explained that the woman shared with the group that she was previously married to a multi-billionaire; she was considered the perfect wife, but no one knew that her husband was abusing her every night. She explained that the woman had no family and she was scared to leave the marriage until one day her husband pulled out three clumps of her hair and a neighbor heard her screaming and came to her rescue. She explained that the neighbor took her to a women's shelter, the type that is funded by a federal grant, and she was finally able to end a 13-year marriage full of abuse. She stated that she believes a community can be judged on how the citizens take care of each other and she believes that the Constitution does say that government has a responsibility for the welfare of its citizens. She stated that she has lived in cultures that do not take care of their own; they do not respond to the needy. She stated that it is sad to see a handicapped person begging on the streets because their family can not take care of them and they can not afford food. She stated that she feels strongly about the commitment the City needs to make to its citizens on multiple levels. She agreed that roads are important, but it is also important that the City takes care of its citizens; as American's that is absolutely expected and American's should be considered better than those that choose not to take care of their friends and neighbors.

### 13. City Administrator Report

Mr. Worthen reported that the Heritage Days celebration is now underway and the fireworks display will be held at Jensen Park again this year. He stated that the Public Works Department has been busy preparing the area to provide sufficient parking space for the event. He added that there will be representation from the Public Safety Departments as well. He then reported that he has implemented a program that employees will use to sign in and out of work throughout the work day and week. He stated it seems to be working very well to this point. He then reported that the 2700 South reconstruction project is ongoing and the east phase of the project will be asphalted in two weeks. He reported that staff has met with the contractor that completed the roundabout project at the intersection of 2700 South and 1000 West; the contractor was told that he must repave the roundabout because the pavement that was previously installed is now failing. He stated that the work will be completed sometime in mid-July while school is out of session. Mayor Nagle asked if the 2700 South project will be completed at that time. She stated she did not want to see any more road closures in that area and she would prefer that the roundabout repaving take place after 2700 South is completed. Mr. Worthen stated he was not sure when the 2700 South project would be completed. He stated he will confirm the completion date with staff and direct them to delay the repaving of the roundabout until after 2700 South is reopened.

At 9:13 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER CLARK SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: July 13, 2010