

Minutes of the Work Session meeting of the Syracuse City Council held on June 22, 2010, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Alan Clark  
Doug Hammond  
D. Matthew Kimmel  
Douglas Peterson  
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  
GIS Technician Troy Moyes  
Administrative Intern Brant Hanson

The purpose of the Work Session was for the Governing Body to review the agenda for the Regular Council Meeting to begin at 7:00 p.m., discuss reconsideration of an interlocal agreement with Davis County for the CDBG funding administration program, receive a presentation from Robinson Waste regarding a Green Waste Recycling Program, and discuss Council Business.

Discussion re: reconsideration of an interlocal agreement with Davis County for the CDBG funding administration program.

Mayor Nagle stated that she has invited Davis County Commissioner Petroff to tonight's meeting to help answer questions about the interlocal agreement regarding the administration of CDBG funding. She explained the interlocal agreement was recommended by Davis County. She stated that she expressed her concerns regarding the agreement at the last City Council meeting; one of those concerns was that the Council had not received an intent letter from the Davis County Commission. She added that she attending a recent Council of Governments (COG) meeting and received more information about the CDBG program, which she provided to the City Recorder last night so that it could be provided to each Councilmember prior to this meeting. She stated that she has also received an intent letter from the Commission, which she provided to the City Recorder as well. She stated that after receiving further information about the agreement she has found that if the City does not participate in the CDBG program by executing the interlocal agreement some of the City's residents may be turned away from Safe Harbor, a local service agency. She explained that is one of the reasons that she asked for the amendment to the work session and regular meeting agendas this evening. She reiterated that she invited Commissioner Petroff to the meeting to review the intent letter with the Council so that the Councilmembers can gain a better understanding of how the CDBG program will be administered.

Commissioner Petroff stated that he has had some recent discussions with Mayor Nagle and he has even received more information about the CDBG program since those discussions. He stated that the Commission was surprised when cities began choosing against opting into the program because all of the cities in the County have been involved in the CDBG program for several years when it was being administered by the State of Utah. He stated that people were simply not familiar with the interlocal agreement because they had never dealt directly with the United States Department of Housing and Urban Development (HUD). He stated that in the past CDBG funding has been used to facilitate projects in the County that cities or other County entities requested. He stated that potential projects were submitted to the County rating and ranking group that was made up of Mayor's of cities that did not have projects pending in a given year. He stated that the criteria used by the rating and ranking group was determined by the COG as a whole. He stated that when he was the Mayor of West Point City they were able to complete a project that consisted of the installation of American with Disabilities Act (ADA) compliant sidewalk, storm sewer lines, and other infrastructure with the assistance of a CDBG grant that spanned a two year time period. He stated his city received approximately \$300,000 to assist in the project. He stated that the Mayors of the cities in Davis County always had control over the administration of the CDBG program and he and the other Commissioners simply assumed that the program would continue run that way. He stated that he had never seen the interlocal agreement and he would not blame any entity for choosing against executing it because of some of the indications made by the agreement. He then stated that citizens from cities who do not participate in the CDBG program will not be turned away from Safe Harbor, but they may not be able to get the same level of assistance that they would have received if their city was a participating member. He then stated that the CDBG program is one of the few government programs that local government officials would actually have some control over. He stated that the good thing about the CDBG program is that 95 percent of the money allotted for grants gets directly to the people that need it compared to other grant programs that include a lot of waste due to high level government participation. He then stated that he understood that all Councilmembers

have seen a copy of the intent letter and he committed that the County would run the CDBG program according to the commitments made in that letter; the COG would remain heavily involved in the program and the County is considering taking the program a step further and entering into an agreement with COG whereby they would have sole responsibility for administering the program. He stated he would like for the Council to approve the intent letter during their Council meeting this evening and if, at some point in time, the City has a project that they would like to complete with the assistance of CDBG funding they would apply for funding and the project would be assessed by the rating and ranking committee. He stated that the agreement must be executed by July 16. He stated that if Syracuse City decides against participating in the program the County will still qualify as an entitlement county, but the amount of money the County will be eligible will be decreased due to the fact that the population will be lower than if Syracuse were participating.

Visitor Bob VanVelkinburgh asked how much money the County will receive. Commissioner Petroff stated that last year the County received \$200,000. He stated that this year the County will be certified as an entitlement county because the County's population is over 200,000. He stated that Clearfield and Layton cities are both entitlement cities independent of the County and this is the first year that Davis County is able to qualify as an entitlement county without using the population of those two cities. He stated that in the past the County received up to \$1 million in CDBG funding; this year the County could be eligible for up to \$700,000 depending on the final population numbers. He stated that money could be divided among up to 13 cities that would be eligible to submit project applications to be rated and ranked by the Mayors belonging to the rating and ranking committee. He reiterated that the Mayors on that committee will not be setting the criteria; rather the entire COG Board will determine the appropriate criteria.

Councilmember Shingleton asked what would happen if every city in the County submits a funding application. Commissioner Petroff stated they will be ranked and rated accordingly. Councilmember Shingleton stated that Commissioner Petroff commented earlier that the rating and ranking committee would be made up of Mayors from cities that are not submitting funding applications that year. He asked how applications from each City would be rated if they are only supposed to be rated by Mayors that do not have pending project applications. Commissioner Petroff stated that the highest number of project applications made in a given year is seven or eight and many of those applications are made by entities other than cities. He added that Clearfield and Layton cities will never be applying for CDBG funding administered by the County; therefore, their Mayors could be asked to serve on the rating and ranking committee if necessary. Councilmember Clark added that the members of the rating and ranking committee must make their decisions based on the established criteria; they do not have the option of making decisions independent of that data.

Councilmember Clark asked Commissioner Petroff to clarify the advantage of Syracuse City contracting with the County versus remaining independent. Commissioner Petroff stated that if the City chooses against executing the agreement it will stand alone in competing against three other counties. He added that the County will be at a disadvantage because their total population numbers will not be as high as if Syracuse City chooses to participate.

Councilmember Hammond asked Commissioner Petroff to explain how the rating and ranking committees will operate. Commissioner Petroff explained that the COG board will develop the rating and ranking criteria and the rating and ranking committee, which will be made up of Mayor's of cities that do not have project applications pending in a given year, will decide which projects should be funded. He stated that the final decision was previously left up to the Wasatch Front Regional Council (WFRC), but that control will not be shifted directly to the County and then delegated to the Mayors.

Councilmember Hammond asked if Clearfield and Layton cities contribute funding to Safe Harbor. Mayor Nagle stated that both cities do contribute and one of them is the largest contributor in the County.

Councilmember Clark asked where Safe Harbor is located. Mayor Nagle stated that the agency appreciates that their location is not widely known, but the Council had a brief discussion regarding the location of the facility. Commissioner Petroff stated that the services provide by Safe Harbor are invaluable.

Councilmember Kimmel inquired as to what other cities in the County have opted out of executing the interlocal agreement. Commissioner Petroff stated that Kaysville, Fruit Heights, and South Weber cities have opted out of the agreement. Councilmember Kimmel asked Commissioner Petroff if he has addressed the Councils of those cities as he is addressing the Syracuse City Council tonight. Commissioner Petroff stated that the County has addressed Kaysville and Fruit Heights cities, but they have not had a chance to address South Weber's Council to date.

Mayor Nagle reiterated that all of the members of COG had concerns about the wording in the interlocal agreement. Councilmember Shingleton stated that the wording has still not been changed; the intent letter states that the program will be administered differently than communicated in the agreement, but he wondered what would happen if the Commission were suddenly made up of new members that were not party to executing the intent letter. Commissioner Petroff explained that the intent letter will be part of the record of the City and if a County Commissioner made up of new members decided to do something contrary to the letter they would need to first request that the Council agree to new terms. He stated he believed the Council would have the opportunity at that time to opt out of the agreement. Mayor Nagle added that the new Commission would need to a majority of the members of the COG board to agree to change the rating and ranking criteria as well. Councilmember Shingleton stated that the City is being asked to sign the interlocal agreement, not the intent letter. Councilmember Peterson asked Councilmember Shingleton if he is concerned about the binding authority of the intent letter,

to which Councilmember Shingleton answered yes. Mayor Nagle stated she believed the City would have a legal argument to opt out of the agreement because of the intent letter provided by the previous Commission. Commissioner Petroff stated the Commission sought legal advice and asked if it would be best to author a second interlocal agreement to address the concerns that cities have about the initial interlocal agreement. He stated that the County's attorneys advised them that would not be the best solution, which is why the intent letter was written. Councilmember Kimmel stated that the intent letter is only binding for the Commission members that are currently in office. Commissioner Petroff stated that may possibly be true, but he could not understand why any future Commission members would want to do anything different than what the current Commission is recommending.

Visitor Travis Shingleton stated this interlocal agreement is 'old news' and he did not know why the Council is discussing it again. He stated that there are two things that everyone should be reminded of at this time. He stated that during the 2009 Municipal Election a "Meet the Candidates" event was held and a resident asked Mayor Nagle and Councilmember Kimmel for their opinions on accepting federal grant funds. He stated the discussion was fairly emotionally charged and the people of Syracuse want nothing to do with the federal government. Visitor TJ Jensen asked Mr. Shingleton to speak for himself rather than the entire population of Syracuse. Mr. Shingleton stated he is speaking for the masses that were in attendance at the event. Mr. Jensen stated he was in attendance and he disagreed with Mr. Shingleton's assessment. Mr. Shingleton stated that everyone applauded when Councilmember Kimmel stated that he did not want to accept grants and he did not want the federal government involved in the City. He stated that Councilmember Kimmel suggested that the City 'think outside the box' and come up with funding solutions that do not involve the federal government. He stated that the citizens are tired of involvement from the federal government. He stated that Syracuse City should be the city that leads other cities in the direction of being constitutional; rather than making decisions based on emotion the Council should be making decisions based on law. He stated the Council needs to consider whether it is legal for them to be making these kinds of decisions because there is no room for interpretation. He stated this agreement is not right and the Council needs to think about the legal ramifications. Commissioner Petroff asked Mr. Shingleton to clarify the legal ramifications that he is referring to. Mr. Shingleton stated that the City should not be taking federal money and he asked how someone can think that is the right thing to do. Commissioner Petroff stated that if the people did not accept money from the federal government they would not have federal highways; half of the funding for local sheriff's departments would not exist. Mr. Shingleton stated that is not true and he asked Commissioner Petroff why the federal highways currently exist. Commissioner Petroff stated that they exist and were funded by tax dollars. Mr. Shingleton stated that they exist because they were built for the United States military. He stated they will be funded one way or another. Commissioner Petroff stated that he is not present this evening to argue with anyone; he simply wanted to clarify for the Council how the CDBG program will work on the County level. He stated that if the City does not want to take grants from the federal government that is fine, but the people opposing the grants should consider every grant dollar that is spent in the City because grant funding is used for many things. He stated that the Sheriff's Department receives \$25 million a year in grants from the federal government and there is a large amount of federal funding provided to the Health Department as well. He stated that he understands what some people want to do, but before they can get to the point of eliminating federal funding of programs the City and the people needs to get their money back because they will need that money to run local programs that may be currently funded by federal dollars. He stated that the federal government can not be changed at the City Council level. He then stated that everyone pays taxes and he believes the amount that people pay in federal taxes is too high. He stated there are people throughout the County that can not afford what they need, through no fault of their own.

Visitor VanVelkinburgh stated that his wife, Jeanne VanVelkinburgh was part of the group that founded the women's shelter and she worked there for some time and she still donates to their programs.

#### Presentation from Robinson Waste regarding a Green Waste Recycling Program.

Steve Robinson of Robinson Waste stated he would give a brief overview of green waste recycling. He stated that he is aware that the Council has already received a presentation from Wasatch Integrated Waste Management (WIWMD) CEO Nathan Rich, and a lot of the information he would provide would likely be a duplicate of the information Mr. Rich provided. He stated that his company participated in the test pilot green waste program in Fruit Heights city; the program was implemented last summer and he has had an opportunity to review some of the results of the program to date. He stated that green waste recycling makes sense because the WIWMD feels that their burn plant is at or exceeding capacity and trying to burn green waste reduces the British thermal units (BTUs) generated at the plant because it is so wet. He stated it is very logical to remove the green waste from the general waste stream. He added that the green waste is converted to compost, which is very popular among residents. He then explained that three program options were considered in Fruit Heights; a mandatory program, an opt-out program, and an opt-in program. He stated a mandatory program is the least expensive type of program to implement, but Fruit Heights chose to implement an opt-out program. He added that opt-in recycling programs are rarely successful because the participation rates are typically lower than 10 percent. He explained that Fruit Heights sent information about the program to all residents and asked them to fill out a form to opt-out of the program if they did not want to participate. He stated they arrived at a participation rate of 39 percent, though they were hoping to have a participation

rate of nearly 50 percent. He stated that his company set their rate at \$4.00 per month per customer, which had not cost him too much money because many residents still also have a second garbage can. He stated that for every can of green waste he collects approximately 50 pounds of green waste are being removed from the general waste stream. He then reviewed the problems that have been associated with the program thus far. He stated that contamination is the biggest problem and the only way to combat that issue is to educate the residents as much as possible. He stated another problem is that some people fail to place their can in the street for collection at the appropriate time because they fail to realize that an entirely different truck is responsible to collect their green waste. He stated that the residents are told not to bag their green waste before placing it in a can and he was worried that the wet grass would stick to the bottom of the cans, but that has not been too much of a problem because Fruit Heights has tried to encourage their residents to mow their grass the day before green waste is collected. He stated that upon implementation of the program someone would be responsible to deliver a new green can to the participants, whether that is the City or the WIWMD. He stated that the green waste program in Fruit Heights runs from March to October, but he would recommend operating between the months of April and November. He stated that his company performed an audit of cans in Fruit Heights in the early spring of 2010 whereby they drove through the city and lifted the lids of the green waste cans to ensure that they are not contaminated. He stated that if a can was contaminated the homeowner would receive an initial reminder that the items in the can were not acceptable, but that they would be collected regardless. He stated that the second time a can is found to be contaminated his company will not dump them. He stated that seems to curb the problem of contamination fairly quickly. He stated that Fruit Heights allows their participants to use the green waste can as a second garbage can during the winter months. He stated the only problem associated with that practice is re-educating the participants about the green waste program and the materials that are accepted.

Councilmember Clark inquired as to what percentage of Syracuse residents would need to participate in the program in order to make it viable. Mr. Robinson stated that the participation level would need to be near 40 percent, or roughly 2,500 households.

Councilmember Kimmel asked if there will be a charge to deliver the green waste cans to the residents. City Recorder Brown stated that she believed that the WIWMD would deliver the cans to the participants, but she would double check her records to be sure of that fact.

Councilmember Peterson asked Mr. Robinson if his business will suffer as a result of people turning in their second garbage can in trade for a green waste can. Mr. Robinson stated that his business may experience a loss. Councilmember Peterson asked Mr. Robinson why he does not charge a higher rate to cover that loss. Mr. Robinson stated that he feels that the rates that he is recommending will cover his costs.

Visitor Bob VanVelkinburgh asked if the monthly charge will only be charged during the growing season or if it will be charged year-round. Mr. Robinson explained that the rate will be charged all year. Mayor Nagle pointed out that in Fruit Heights the participants are allowed to use the green waste can for normal garbage collection during the winter months and Syracuse City may consider a similar practice to justify charging the collection fee on a year-round basis.

Councilmember Kimmel asked if the City would add a charge the fees charged by the WIWMD and Robinson Waste. Mr. Worthen stated that some analysis would be necessary to ensure that the City is covering their costs of administering the program.

Councilmember Clark stated that it is estimated that if all cities will implement a green waste recycling program, it will be possible to greatly extend the life of the landfill.

Mayor Nagle asked Mr. Robinson to highlight the biggest issues that Fruit Heights has faced. Mr. Robinson stated that the deliver of the cans to the participants could have gone more smoothly. He stated it would be ideal to deliver the green waste can on a garbage collection day and also retrieve the second garbage can from those that are turning them in. He added that there could have been better education about the issue of contamination. He stated that there were a few people that did not opt-out of the program initially, but they wanted to after the green waste can had been delivered to them. He stated that Fruit Heights would not let them opt-out once the program had commenced and those residents were basically required to participate in the program for one year.

Mayor Nagle asked Mr. Robinson if he could provide the Council with firm costs that his company would charge for collecting green waste in the City. Mr. Robinson stated that he will provide a cost break-down depending on the possible participation levels that the City may experience. Mayor Nagle thanked Mr. Robinson for the information he provided.

#### Council business.

**Memorial Day Celebration:** Councilmember Clark stated that he believed the entire Council had received an anonymous letter regarding the Memorial Day celebration. He stated the letter made some suggestions for how the celebration should be run differently in the future, but he wanted to know if the Councilmembers had any recommendations for changes to the program. He asked if the Lion's Club will assume responsibility for the celebration next year. Mr. Worthen stated that the Lion's Club declined to assume responsibility for the celebration this year, but they may consider taking it on next year if they have sufficient time to prepare for it. Councilmember Clark suggested that the City approach the Lion's Club now and ask them to start preparing to assume responsibility for the celebration.

Councilmember Shingleton stated that he was reviewing the newsletter published by another city and he noticed that they had a section highlighting volunteer opportunities in the City. He stated he would like to include something like that in the City's newsletter. Councilmember Peterson stated there is already something like that in the City's newsletter, but it could be expanded.

Councilmember Clark stated that one of the issues that the anonymous letter writer referenced was the fact that they felt the City had not provided enough seating for those attending the Memorial Day celebration. He stated that he was aware that Hill Air Force Base (HAFB) had over 800 people in attendance at their celebration and they did not provide any seating. He asked if Syracuse really needs to provide seating for those attending. Mayor Nagle stated she would be concerned about forcing the elderly or those with disabilities to stand through the celebration. Councilmember Hammond agreed. Councilmember Clark stated that it may be sufficient to provide 40 chairs that would be marked as reserved for those that need them. He stated that everyone else could be asked to bring their own chairs. Councilmember Shingleton stated that people simply need to be informed about what to expect.

Councilmember Hammond stated that some of the recommendations in the letter are positive; one of which was to begin working on the celebration prior to the month of May. Mayor Nagle stated that she absolutely agrees with that recommendation. She stated that the Lion's Club declined to assume responsibility for the celebration, but no member of the Council was willing to step forward and assist in planning the event. She stated that if the Council wants to see an event happen they should be proactive in the planning of the event rather than casting stones once the event is over. She stated that if members of the Council were aware that there were complaints about the lack of sufficient seating at celebrations-past, they should have addressed that issue prior to the celebration. She stated that she made a couple of mistakes on the day of the celebration and she will take ownership of those mistakes, but she feels that the letter was inappropriate. She stated that it was pointed more at her individually than at the entire Council. She stated that the Memorial Day celebration should be about honoring those that have 'gone before us' and everyone should be focused on working together to make that happen. He stated that if the Council wants to keep the event within the City's control the members should appoint someone to oversee it and ensure that the planning of the event is according to the rest of the Councilmembers' wishes. Councilmember Shingleton stated he will volunteer himself and his two sons to organize the event next year.

Councilmember Clark asked if it is truly necessary for the Councilmembers to sit in front of the entire crowd. He stated that he attends the event to recognize the deceased and he is content on paying his respects without anyone recognizing that he is a Councilmember. Councilmember Peterson agreed and stated that he would rather sit with his family during the event.

**Calendaring:** Councilmember Peterson stated that he will be absent for the meeting of July 27. Mayor Nagle stated she will also be out of town on that night, but she may try to participate in the meeting electronically.

The meeting adjourned at 6:55 p.m.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: July 13, 2010