

Minutes of the Work Session meeting of the Syracuse City Council held on August 9, 2011, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

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

The purpose of the Work Session was for the Governing Body to receive a presentation regarding TipSoft (a new crime fighting tool), discuss regular meeting agenda item six (proposed policy regarding political expression on public property), discuss a potential bond authorizing resolution and subsequent ballot language, and discuss Council Business.

Presentation regarding TipSoft

Police Chief Wallace approached the Council and reviewed a brief PowerPoint presentation. He stated that the City has had a program for the last four years called CrimeReports.com and it includes a lot of crime fighting tips and tools. He stated it is run by the Attorney General's office and they recently added the new TipSoft program as well. He stated this program is geared more towards the younger generation in that their main form of communication is electronic communication via text messaging or other smart phone communications. He stated that someone could load a Syracuse City TipSoft application on their phone and use it to submit some type of tip to the Police Department. He explained all tips submitted through the application are anonymous. He stated that there are 70 agencies throughout the State that are going to use this program. He stated that a resident does not have to live in Syracuse to be able to submit a tip; they could submit a tip directly to the Attorney General's Office about any crime they see taking place in any City throughout the State.

Mayor Nagle inquired as to the name of the smart phone application. Chief Wallace stated that it is TipSubmit and someone wanting to have the application specifically for Syracuse City can use the code "syrpd". Mayor Nagle stated she likes the program.

Councilmember Kimmel stated technology is so fluid and this is a new, cutting edge tool. He asked if there could be abuse of the program since it is anonymous and can be used so quickly. He asked if people might be more apt to make complaints about a neighbor that they do not like. Chief Wallace stated that happens now without a mobile application. He stated that regardless the Police Department will respond. He stated he thinks it will be a great tool when a larger crime occurs; when the crime is being advertised on television or the radio it will be easier for people to submit tips in response to requests from local Police Departments. He added that when someone calls 9-1-1 their phone call is recorded so their tip is not completely anonymous. He stated TipSoft will provide a truly anonymous way to submit tips.

Councilmember Kimmel asked if people that subscribe to the application will receive regular messages from the owner of the program. Chief Wallace stated he is not aware of any messages or responses that will be sent to users. He added that if users want follow-up information or a response to the tips they submit then they will need to call the Police Department.

Councilmember Clark stated he found the application on his phone and it is called Tip Submit mobile. Mayor Nagle stated she found it as well. She asked how the staff plans to advertise the availability of the program to the community. City Manager Rice stated that it will be advertised on the City's website and on the City's Facebook page as well. Mayor Nagle

added that she would like to include it in the advertising section of the City's utility bill. Councilmember Shingleton stated that the Syracuse Islander has a section of the paper dedicated to Police news.

Councilmember Peterson asked if there will be one officer in charge or receiving the tips submitted through the application. Chief Wallace stated that the Police Department secretaries will likely receive the tips and an officer will be dispatched accordingly. He stated it would be nice to link the application to the Spillman dispatch system so that any tip would appear on the laptop used by each patrol officer. He then stated that the program is funded by the Attorney General's office and the total cost of the program was approximately \$5,000.

Discussion regarding a proposed policy dealing with political expression on public property.

City Recorder Brown stated that she and City Attorney Godfrey discussed this issue during the process of rewriting Title One of the City Code. She stated that Mr. Godfrey did not want to include language in the City Code that regulates leafleting or other type of political activity on City property. She stated that Mr. Godfrey recommended adopting an administrative policy to deal with the issue. She stated that she included this item on tonight's work session agenda because she felt there might be some concerns that would generate discussion on the issue. She added that it is on the regular meeting agenda for final consideration.

Councilmember Peterson stated that if a candidate wants to use a park they are allowed to do that, but he asked if they would be required to pay the rental fee for park usage. Ms. Brown stated that the City's fee schedule only includes rental fees if someone is using a bowery at a park. She added that she believes the fee schedule includes rental fees for a four hour time slot. She stated that if a candidate were to arrive at a park to hold a political rally and they wanted to use the bowery, but it was being used by someone else, they would not be able to gain access to the bowery unless they had paid the rental fee. She stated if a Councilmember did want to rent a bowery they would need to pay the rental fee.

Mayor Nagle stated she likes the fact that staff wants to adopt a policy and she likes the fact that it is more permissive rather than prohibitive. She stated for such a long time the City has been operating under a certain set of norms that has not been put in writing.

Councilmember Shingleton stated that to him it is ridiculous that candidates can not put their signs in the park strips. He stated that someone can argue with him the park strip is public property, but he pays taxes on the park strip in front of his house and so do other citizens and they should have the right to erect a sign there if they choose. Ms. Brown stated that is a separate issue that is dealt with in the City's land use ordinance included in Title Ten of the City Code. She stated the item before the Council is an administrative policy dealing with political activities on City property. She stated, however, that she did talk to the City Attorney about the issue of locating signs in the park strip and he said it would be difficult to find many cities that allow any type of signage – not just political signs – in the park strips and he would not recommend that the City change its ordinance to allow signage in the park strip. She stated that park strips are considered to be part of the public right-of-way. Councilmember Shingleton stated that he drives through other cities surrounding Syracuse City and sees political signs in their park strips. Councilmember Peterson stated that he can understand the reasoning behind the argument to allow the smaller political signs in the park strips, but he would not be comfortable allowing the larger signs in the park strips because that is where so many utility lines are located and they could be easily damaged by the sign posts. Councilmember Shingleton stated that he would be in favor of allowing the smaller campaign signs in park strips. Mr. Rice reiterated that Ms. Brown noted that no type of signage is allowed in the park strip. He stated that the City is not discriminating against political signage only.

Councilmember Kimmel asked if the City has an easement on park strip property. Mr. Rice answered yes and the property is technically owned by the City. Councilmember Kimmel stated that is not the definition of an easement. He stated that the property owner still owns the property and they have the responsibility to maintain it, but the City has the right, via the easement, to gain access to the property to service any utility located in the park strip.

Councilmember Ocaña asked what the Council would need to do in order to allow campaign signs in park strips. Ms. Brown stated the Council would need to hold a public hearing to consider amending Title Ten of the City Code. She stated that if the Council gives her direction to proceed with that type of action she will talk to Mr. Godfrey again about the issue and try to develop a recommendation that he is legally comfortable with. Councilmember Ocaña stated he has had a couple of frustrating occurrences in dealing with the City's sign ordinance. He stated it was difficult to understand what he could or could not do with his campaign signs. He stated that he would not be opposed to defining what type of signage is allowed in certain areas in the City. Ms. Brown stated that there are clear definitions dealing with signage; the sign ordinance, included in Title Ten, is very specific. Councilmember Clark asked Councilmember Ocaña how he would recommend changing the Code. He stated that if one type of signage is allowed it will be difficult for the City to prohibit

another type of signage. Councilmember Ocaña stated there have been “store closing” signs for Ace Hardware located in the park strips for some time. Councilmember Kimmel stated there are always open house signs located in the park strip as well.

Mayor Nagle stated she would like to understand Mr. Godfrey’s legal rationale. She asked why he would be opposed to recommending allowing any type of signage in the park strip. Ms. Brown stated she will have another conversation with him. She stated the reason for her original conversation with him was an email she received from Councilmember Shingleton; it was an email he forwarded to her from his son wherein he communicated a misunderstanding that last year the Council changed the Land Use Code to allow political signs in park strips. She stated she called Mr. Godfrey to ensure that they both interpreted the Land Use Code in the same manner and that is when he told her that he would never recommend allowing any type of signage in the park strip. She stated that allowing just one type of signage – political signs – in the park strip would open the City to being sued by others that are prohibited from locating a sign in the park strip. Councilmember Kimmel stated there were some changes to the Land Use Code that were the result of some concerns that were brought to the City a group of citizens. Ms. Brown stated that is incorrect and she explained that the changes resulted from a letter that an attorney sent to Mr. Godfrey wherein he asserted a violation of freedom of speech rights resulting from a City Ordinance regulating the amount of time that candidates can leave their political signs on display before or after an election. She stated the Land Use Code was subsequently changed to remove those time restrictions. Councilmember Kimmel stated that he can specifically remember having a conversation about how the changes would allow signage to be located in park strips. Mayor Nagle stated she listened to the recording of the meeting that Councilmember Shingleton’s son cited and it became clear that no changes were made to allow campaign signs on the park strip.

Ms. Brown stated that if the Council would like her to she can have another conversation with Mr. Godfrey in order to determine the legal reasons for recommending against allowing signs in the park strip. All Councilmember agreed to give Ms. Brown that type of direction. Ms. Brown then stated that she wanted to be very clear that the restriction is not just being applied to one candidate and she does not feel that an unfair advantage is being created for anyone. Councilmember Ocaña stated that he understands that, but reiterated that there are many other types of signs in the park strip as well. Ms. Brown stated that she has received some feedback from candidates or residents that has been somewhat negative and she simply wanted to communicate that she is applying the signage rules to all candidates. Mr. Rice stated that Ms. Brown sent an email to all candidates reminding them of the sign regulations in the City asking them to police themselves. She stated that anyone running for City Council probably ought to obey the City Code. Councilmember Shingleton stated that it bothers him as a taxpayer that the City is telling him what he can do with his park strip. He stated that until the City or the County decides to maintain his park strip he should be allowed to locate signs there.

Mayor Nagle stated there is no reason to debate this issue until the Council has information from Mr. Godfrey. She then stated if there are any questions or concerns about the policy that is going to be considered by the Council during tonight’s business meeting. Councilmember Clark stated that his only concern is the matter of clean-up of public property after an event. He asked who would have the responsibility to remove any fliers or other materials that are left behind as litter. Councilmember Kimmel stated that he felt the organizer should be responsible. Councilmember Clark asked Ms. Brown to add language to the policy to state that the organizer of an event is responsible for clean-up. Ms. Brown stated that if the Council chooses to adopt the policy during their business meeting this evening they should request that change during a motion to adopt.

Discussion regarding potential bond authorizing resolution and subsequent ballot language.

Mr. Rice stated that staff has been working with Mr. Godfrey as well as the City’s bond counsel and he wanted to provide the Council with a status update.

Finance Director Marshall explained that staff has done extensive research about bonding options to ensure that right type of bond is chosen to best meet the City’s needs. He stated that sale tax interest bonds have the lowest interest rates and that is the type of bond that he and bond counsel will recommend referring to the voters. He stated that legally the City does not need to add a question regarding a sales tax bond to the general election ballot, but he understands it is the consensus of the Council to do so. He stated that bond counsel has still recommended the City follow the legal process for placing a bond question on the ballot; therefore, the Council must adopt a bond authorizing resolution no later than August 25. He stated staff’s plan is to finalize the bond resolution for consideration on August 23.

Councilmember Shingleton asked if the ballot question language would change if the Council were to decide to change the amount of the bond between now and August 23. Mr. Rice stated the ballot question language would change; the City is required to inform the voters of the total amount of the bond as well as the payback method. He stated that the City must deliver the ballot language to the Lieutenant Governor’s Office no later than August 25. He stated that if the Council adopts a resolution on August 23 setting the bond limit at a certain amount, it will not be possible to change that amount between August 23 and the date of the general election. Councilmember Shingleton asked if the Council would be required

to sell the bonds (if approved by voters) if the interest rate were to increase between now and the end of the year. Mr. Rice stated that interest rates continue to be on the decline and the Federal Government has said they will hold rates flat until 2013. Ms. Brown stated that the voters may authorize selling the bonds, but the Council will still need to follow the lengthy process to sell the bonds. She stated that if interest rates have skyrocketed or something else has happened to persuade the Council to decide against selling the bonds, they are not required to do so. She stated the action that staff is discussing tonight is the adoption of a resolution that will simply allow for a bond question to be added to the ballot.

Mr. Rice stated that he understands that Councilmember Shingleton may want to consider lowering the bonding limit from \$3 million to \$1 million. He stated that he discussed that issue with the City's bond counsel and they informed him that a \$1 million bond will not generate much interest in the bond market and it would be harder to sell than a \$3 million bond. He stated that the interest rates for a \$1 million bond may be higher than the interest rate for a \$3 million bond.

Council business.

RV Dump Site: Councilmember Peterson stated that as he has been campaigning throughout the City he has been asked by a couple of residents if the City would consider constructing a recreational vehicle (RV) dump site somewhere within City limits. He stated that he raised this issue a couple of years ago, but he is not sure the idea was ever followed-up on. Mayor Nagle asked what is involved with the construction of such a site. Councilmember Peterson stated that there would need to be a way to connect to a sewer line and then a hose bib for water. He stated he felt it would make sense to locate it near the Public Works facility or the Fire Station. Councilmember Clark stated that he felt it would make more sense to locate it at the Public Works facility. Building Official Couch added that residents have the right to locate a RV dump at their home as well; they must obtain a building permit to do so. Resident TJ Jensen suggested that the site be located adjacent to the North Davis Sewer District (NDS) plant. Planner Andersen said that it would also make sense to locate it near the entrance to Antelope Island and the State may share in the cost of doing so. Mr. Jensen stated his only suggestion is that there be some way to monitor the service so that people do not dump things like motor oil down the pipe.

Public Works response to call for service: Mayor Nagle stated that recently there was a large sink hole that developed near 1000 West and 2400 South; the sinkhole was a result of a collapsed pipe. She stated she was amazed at the response from the Public Works Department. She stated that it was necessary for them to dig up the front yard of a residence as well as remove cement and asphalt. She stated they worked through the night and into the next morning and they have already replaced cement and sod of the homeowner. She stated the pipe collapse created a big mess and the Public Works crews did a great job dealing with it. She stated she wanted to commend them for the service they provide to the City.

Plane crash in Syracuse City: Councilmember Kimmel asked for an update on the airplane accident that recently occurred in the City. Mr. Rice stated that City Public Safety crews responded to the crash, as did the Federal Aviation Administration (FAA). He stated the pilot lost his engine and made a crash landing in a local farmer's field. He stated it was fortunate for the pilot that the ground had been saturated in previous days and was soft enough to cushion his fall. He stated the pilot limped away from the scene.

Brush fire on Antelope Island: Councilmember Peterson asked if the City responded to the recent brush fire on Antelope Island. Mr. Rice answered yes and explained that City fire crews stayed on scene until the fire was under control and then the State's "hot shot" team stayed on scene to ensure that all the hot spots were extinguished and would not reignite. Councilmember Kimmel asked if the City's new fire tender truck was used, to which Mr. Rice answered yes and explained that the Department used nearly every piece of equipment in the City's fire fleet.

ULCT annual convention: Mayor Nagle stated the Utah League of Cities and Towns (ULCT) annual convention will be held September 14-16 in Salt Lake and she asked if any Councilmembers wanted to attend. She stated that the agenda looks good. Councilmember Clark stated he would like to attend. Other Councilmembers stated they would review the agenda and see if they will be available to attend. Mayor Nagle stated that registration must be completed by September 1 and she encouraged the Councilmembers to contact Ms. Brown if they would like to attend. She added that she would like to encourage some Planning Commissioners to attend as well.

Marketing brochures: Mr. Rice stated that staff has completed a brochure to market the City; they printed 2000 and they will distribute it to entities like the Davis County Convention and Visitors Bureau and Antelope Island. Councilmember Shingleton stated he would like for the brochures to be included in the welcome packets distributed to new residents. Mayor Nagle stated she would like to have the brochures placed at area hotels as well. Councilmember Kimmel stated he likes how the City has connected with Antelope Island to promote both groups. Mr. Rice stated that Councilmember Ocaña has been pivotal in building that relationship. He stated that the City and Antelope Island have never marketed themselves in the past and so this is a new venture for both. Councilmember Shingleton stated that it would be a good idea to market the City at the outdoor retailer convention in Salt Lake.

Proposed FY 2011-2012 budget: Councilmember Clark stated there is one item included in the proposed budget that he has a concern about and that is the cost of living adjustment (COLA) for employees. He stated he feels that the entire Council has been concerned about it as well. He stated that he does not like the fact that all employees receive the same increase across the board, whether they are good employees or bad employees. He stated he would like to suggest the idea of funding a program that would incentivize employees to develop new plans, projects, or ideas that would improve a process within the City that would ultimately save the City money. He stated an example of that would be how Ms. Brown streamlined and improved upon the election process in order to save the City nearly \$25,000. He stated that the funding could be available throughout the year and it may not ever get spent. He stated an employee would need to do something that is outside of their regular employment duties to be eligible to receive any of the money. Councilmember Shingleton stated that Councilmember Clark “took the words right of his mouth”. He stated he was going to recommend a similar program as he is not in favor of any amount being given to the employees in the form of a COLA. He stated he would not be in favor of setting aside the same amount of money for the incentive program as was budgeted for the COLA. Councilmember Clark stated he would suggest cutting that amount in half. He stated that an employee does not necessarily need to save the City money to be eligible for an award. Mr. Rice stated that Ms. Brown has been working on a policy similar to what Councilmembers Clark and Shingleton are talking about and staff was planning on bringing the policy to the Council for approval. He added that he would be in favor of a broader program; he would like to have the ability to provide some employees with merit raises as well. He stated that he would like to see the more than half or the same amount of money budgeted for the incentive program as was budgeted for the COLA, which was \$98,000. He then stated there are a couple of personnel facts that he wanted to make the Council aware of. He stated that since 2009 the number of full time employees in the City has been reduced from 74 to 69. He stated that in addition to that the salary and benefits budget has been decreased by nearly \$200,000. He further added that it is important for the Council to know that the City’s long term caring costs are zero. He stated there are a number of cities on the east coast that are financial trouble because they self funded or under-funded pension plans for their employees. He stated city employees were city employees for life and they would get their insurance and other costs paid for perpetually. He stated that is not the case in Syracuse City; the City has no long term caring costs for its employees. Councilmember Kimmel stated the reason that cities on the east coast can do that is because their property taxes are “through the roof”. Mr. Rice stated that certainly there are different tax bases, but his personal opinion is that cities in Utah are under-taxed and under-serviced. He stated Syracuse City could use more public safety employees; there are nights when there is only one patrolman or officer on the street. He stated Syracuse City is under-serviced in the public safety sector. He stated that the City can not respond to a significant call on its own. He stated there was a large fight in a park in Clearfield City recently and it took a response from Clearfield, Syracuse, and Davis County to control the situation. He stated he simply wanted to point out that the City’s personnel costs have decreased and the City has no long term caring cost obligations. He stated that costs will only decrease through the implementation of the new two-tiered Utah Retirement System (URS). He stated that just in the last couple of weeks staff has found more money available in programs that were not being run like they should have been and even without a tax increase it will be possible to fund one of the road projects on the list. He stated that the City has very low personnel costs, yet staff is doing some tremendous work.

Mayor Nagle stated that she would like to provide some data to the Council; she asked staff to prepare a document that displays the growth of staff relative to the growth of the City to show if the government is growing disproportionate to the growth of the City. She stated the opposite is true. She stated she would like that information to be sent to the Council. She added that she would like to include a metrics tool on the City’s website to provide this type of data to the citizens. She stated that she received an email from a citizen recently who believed that the City was hiring new Police Officers. She stated that she wants to be able to provide information directly on the City’s website to answer questions that citizens have about hiring or staffing levels. She then stated she wanted to comment on the public safety issue that Mr. Rice raised. She stated that she believes that the City should have more officers on patrol at night, but she also feels that a city the size of Syracuse City can not “go it alone”. She stated she feels the City can operate using interlocal agreements rather than trying to staff for one large event. She stated she feels that is a more effective use of taxpayer dollars. She stated there will be large events that will occur, but that does not happen on a regular basis. Mr. Rice stated that he does not disagree and he is in favor of partnering for as many services as possible, but he still believes that Syracuse City is under-serviced in the public safety sector. Councilmember Clark agreed and stated he has felt that way for some time.

Councilmember Shingleton asked for an update on sales tax income. Mr. Marshall stated it has increased; last years budget included projected revenues of \$2.45 million. He explained that sales tax collection lags behind by one month, so with one month left to collect in the last fiscal year the total revenues are \$2,271,000. He stated he is anticipating collecting \$200,000 to \$220,000 in revenues for June, so the total revenues will exceed the budgeted amount by at least \$20,000. He stated that he increased the budget for the FY 2011-2012 budget to \$2.5 million.

City Council Work Session
August 9, 2011

The meeting adjourned at 6:55 p.m.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: September 27, 2011