

Minutes of the Regular Meeting of the Syracuse City Council held on August 10, 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
Fire Chief Craig Cottrell
Public Works Director Mike Waite
IT Director TJ Peace
Finance Manager Amber Fowles
Building Official Jason VanAusdal
Recreation Director Kresta Robinson
Police Detective Corey Rowley
GIS Technician Troy Moyes
Building Inspector Tex Couch
Administrative Intern Brant Hanson

Visitors Present:	Travis Shingleton	Troy Shingleton	Taunia Couch
	Eric Hazen	Sonje Beal	Dave Couch
	Brenda Couch	Jeff Whitney	TJ Jensen
	Craig Johnson	Kevin Nagle	Bob VanVelkinburgh
	Jeanne VanVelkinburgh	Tanna Woods	Robert Whiteley
	Ryan Hardy	Darin Dettridge	Jerry Guffey
	Jill Gygi		

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; Councilmember Hammond provided an invocation. Councilmember Kimmel led all present in the Pledge of Allegiance.

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

2. Approval of Minutes

The minutes of the Regular Meeting of July 13, 2010 were reviewed.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JULY 13, 2010 AS PRESENTED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Public Comments

Sonje Beal, 1546 W. 2175 S., stated that she is excited about the opportunity to possibly have a recycling program in the City and she explained that she presently has a contract with a private recycling company. She explained that she is somewhat concerned about the fact that the contract is being awarded to Robinson Waste because she is concerned that other companies have not had the opportunity to provide the City with a bid for the service. She stated that she would hate for those other companies to be denied an opportunity to bid. She stated that she has not heard any information about the proposed rates, but she currently pays \$10.00 per month for her private recycling service. She stated she would like to hear from the City about their plans for boosting the program participation rate.

Councilmember Peterson asked Ms. Beal what items she is allowed to recycle according to her private contract. Ms. Beal stated that she is allowed to recycle everything but glass and she is not required to separate her recyclable materials.

Mayor Nagle asked Ms. Beal if she if the private company recycles her green waste materials, to which Ms. Beal answered no.

4. Recognition of Building Inspector Tex Couch for attaining his Master Code Professional Certification.

Mayor Nagle stated this is a special part of the meeting; the Council is recognizing a City employee that has achieved a great accomplishment in his field of work. She stated that Jeff Whitney is in attendance this meeting to highlight Mr. Couch's achievement.

Mr. Whitney approached the Council and explained that he is the Building Official for Grand County and Moab City, Utah. He stated that he is also a Director on the Board of the International Code Council (ICC). He stated that he is here to present an award to Mr. Couch for receiving his Master Code Professional (MCP) certification. He stated that this certification is very significant; ICC administers over 20,000 certification exams each year and in 2009 there were only 70 MCP certifications awarded. He stated that the certification represents a huge amount of effort rather than just one exam. He explained that Mr. Couch has accumulated 18 ICC certifications, which is a large number of certifications for any one Building Inspector to have. He explained that he himself has been working on achieving that number of certifications and he has been working in his field for over 20 years. He stated achieving that number of certifications takes a very concerted effort. He added that Mr. Couch has also been selected as a scholarship winner to allow him to attend the final action code hearings in Charlotte, North Carolina this year and the ICC will pay up to \$2,000 to afford Mr. Couch that opportunity. He stated that the conference is a great opportunity during which he will attend two days of classes and get the chance to assist in the legislative process of writing code. He then presented Mr. Couch with a certificate of recognition and he stated that he also wanted to recognize Mr. Couch's wife for her support of Mr. Couch. He stated he is proud that Mr. Couch is representing Utah well. He then commended the City for its support of Mr. Couch as well. He stated he recognizes the expense that the City pays to allow their employees to become this highly certified. He stated that the world has seen some catastrophic disasters in recent years, such as earthquakes that have cost many people their lives. He stated that Utah should not see that kind of disaster because of the way developers are required to build and the Building Inspectors are responsible for keeping this area safe.

Mr. Couch stated that he wanted to thank a few people for their support. He stated that Brenda Leota is the best Administrative Assistant and she keeps track of everything in the Department that he works for. He stated he wanted to thank his direct supervisor, Building Official Jason VanAusdal, as well as City Administrator Rodger Worthen. He stated they have been great to work for and he considers them his friends. He stated that the citizens of the City have been great to work with as well. He added that he was recently assigned to carry out the code enforcement duties of the City in addition to his Building Inspector duties and the citizens have been outstanding to work with. He stated that his family is also here this evening and he wanted to thank them for their support. He added that this certification means a lot to him.

Mayor Nagle stated that she wanted to add that she is aware that Mr. Couch has bore a lot of the cost of achieving his certifications, which shows his commitment to the City and his job. She stated she applauds that and she thanked Mr. Couch for what he does for the City.

5a. Approve utility billing write-offs.

Utility Manager Janice Lansing requested that the City Council write-off outstanding utility billing amounts associated with customers that have declared bankruptcy.

COUNCILMEMBER HAMMOND MADE A MOTION TO APPROVE UTILITY BILLING WRITE-OFFS TOTALING \$2,329.69. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

5b. Set public hearing for September 14, 2010 to consider a budget opening in the Fiscal Year 2010-2011 budget.

Finance Manager Amber Fowles requested that the City Council set a public hearing for September 14, 2010 to amend the current Fiscal Year budget by including a few additional expenses that have been identified since the budget was initially adopted in June 2010. The list of additional expenses currently includes an appropriation to satisfy the Woodside Homes settlement agreement, funding for the creation of an Unlimited Play Park marketing video, and funding for a purchase of online registration software for the Recreation Department. Funding is currently available for each of the three items; it simply needs to be assigned to the correct Department budget.

COUNCILMEMBER HAMMOND MADE A MOTION TO SET A PUBLIC HEARING FOR SEPTEMBER 14, 2010 TO CONSIDER A BUDGET OPENING IN THE FISCAL YEAR 2010-2011 BUDGET. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

5c. Proposed Resolution R10-22 re-appointing Tyler Bodrero to the Syracuse City Planning Commission with his term expiring July 31, 2014.

On August 8, 2006, the City Council reappointed Chris Frazier to the Planning Commission for another four-year term, which expired July 31, 2010. When he resigned, on November 13, 2007, the Council appointed Evert Cook to finish his

term. However, Evert Cook then resigned, on July 6, 2009, so the Council appointed Mike Norton to serve the remaining year. With Mike Norton resigning last March, the Council appointed Tyler Bodrero to finish the last two months of this term.

Tyler has shown initiative and provided great input on the issues before the Planning Commission. He not only continues serving on the Architectural Review Committee, but he is co-chairing a new SR183 planning group, which will work with the citizens and land owners in that area to create a new vision for development along this corridor. The committee will present their proposals to the Commission for consideration and recommendations to City Council.

City staff strongly recommends the reappointment of Tyler Bodrero to the Planning Commission for a full four-year term ending July 31, 2014.

COUNCILMEMBER HAMMOND MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-22 RE-APPOINTING TYLER BODRERO TO THE SYRACUSE CITY PLANNING COMMISSION WITH HIS TERM EXPIRING JULY 31, 2014. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

5d. Proposed Resolution R10-23 appointing Braxton Schenk to the Syracuse City Planning Commission with his term expiring July 31, 2014.

After receiving notice, from former Commissioner Campbell, that Tena would not be requesting reappointment at the end of her term, on July 31, 2010, the Community Development Department advertised this opening and received eight letters of interest. Last week, Chairman Whiteley, City staff, and Mayor Nagle interviewed four of these applicants and selected Braxton Schenk to fill that position.

Braxton currently serves on the Architectural Review Committee and has shown great leadership and skill within that role. He and his family have been living in Syracuse for the last 7 years. He and his wife have four children.

Braxton attended Ricks College years ago, as well as Whatcom College in Bellingham, Washington, where his parents raised him. Since then, he has been holding mostly management positions for various employers as well as owning and operating a few small, start-up companies along the way. His current sign business, Advanced LED Lighting, has given him opportunities to go before planning commissions all throughout Utah, which developed his understanding of the impacts and importance of managing growth.

City staff believes Braxton would serve well in representing both the needs of residents as well as businesses and recommends him, with full support from Mayor Nagle, for appointment to the Planning Commission.

Mayor Nagle stated that 10 people applied for the vacant position on the Planning Commission and there were several great applicants. She explained that Mr. Schenk stood out because he has applied for similar vacancies in the past. She stated that the first time he interviewed for a position on the Planning Commission he expressed his willingness to serve in alternate capacities and he was subsequently assigned to serve on the City's Architectural Control Committee (ACC). She stated that he has done a fabulous job in that capacity and she thanked him for his willingness to serve. She stated that the other people that applied for the Planning Commission vacancy were invited to participate in a pretty unique opportunity. She explained that the Planning Commission is creating sub-committees that will work on growth and future planning issues throughout the City. She stated that the applicants have been invited to participate on those sub-committees. She applauded the Planning Commission for their proactive thinking in that area.

COUNCILMEMBER HAMMOND MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-23 APPOINTING BRAXTON SCHENK TO THE SYRACUSE CITY PLANNING COMMISSION WITH HIS TERM EXPIRING JULY 31, 2014. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Public Hearing – Proposed Ordinance 10-05 implementing a Green Waste Recycling Program in Syracuse City; Proposed Resolution R10-26 amending the Syracuse City Consolidated Fee Schedule by adding a fee to be charged to residents enrolling in the Green Waste Recycling Program.

Over the past several months the City Council has been discussing the option of implementing a green waste recycling program in the City. City Recorder Brown has been working with Robinson Waste and the Wasatch Integrated Waste Management District (WIWMD) to obtain service rates and a commitment regarding the role they would play in the implementation of the program. All of this information has been provided to the Council during previous meetings. To summarize, Robinson Waste has committed to charge the City \$4.00 per green waste can and the WIWMD has committed to charge \$2.00 per can. The Council reviewed these rates and felt it would be necessary that the City add a small administrative fee for each can and staff was directed to set the fee at \$6.50 per can.

The Council determined that it is too late in the growing season to implement the green waste recycling program; therefore, the program will not be implemented until the spring of 2011 and the City, during the winter months, will work to

educate the citizens about the program as well as try to achieve the highest participation rate possible. The program will be voluntary and citizens will need to take the initiative to enroll in the program on their own.

Ms. Brown drafted and provided to each member of the Governing Body an ordinance adopting a new section of the City Code regarding the program. Much of the information in the new Code section was borrowed from Centerville City, as they recently went through the process of implementing a voluntary green waste recycling program as well. Ms. Brown also drafted a resolution to amend the City's fee schedule so that the fee schedule includes the rate to be charged for participation in the program.

Mayor Nagle then convened the public hearing.

Nathan Rich, Executive Director of Wasatch Integrated Waste Management District (WIWMD), 1997 E. 3500 N., Layton, stated that he wanted to share a couple of things with the Council. He stated he appreciated the willingness of the City to work with the WIWMD to implement a green waste recycling program. He stated he believed it is a great opportunity to provide a valuable service under some very reasonable circumstances. He stated that he appreciates the work that City staff has put into this program; if the program is implemented there will obviously be some additional work that will need to be handled by City staff. He stated he simply wanted the City Council to recognize that aspect of the program. He then stated that he and his staff are available to help introduce the program as soon as the City is ready to move forward. He stated that he addressed the Council in a work session meeting approximately three months ago and there was much discussion about the types of programs that have been or are being introduced in other cities. He stated that Fruit Heights City implemented an opt-out program, which meant that residents needed to respond to the city expressing that they did not want to participate in the program. He explained the participation rate in Fruit Heights is approximately 38 percent. He added that Centerville recently introduced a green waste recycling program and if Syracuse City chooses to proceed, it will be the third of the 15 cities in the County to implement such a program. He stated that Centerville implemented an opt-in program with a goal of the number of households to be enrolled in order to make the program feasible. He stated they achieved a participation rate of approximately 28 percent.

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

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED ORDINANCE 10-05 IMPLEMENTING A GREEN WASTE RECYCLING PROGRAM IN SYRACUSE CITY. COUNCILMEMBER HAMMOND SECONDED THE MOTION.

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED RESOLUTION R10-26 AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY ADDING A FEE TO BE CHARGED TO RESIDENTS ENROLLING IN THE GREEN WASTE RECYCLING PROGRAM. COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

Councilmember Clark stated that he wanted to answer the questions that Ms. Beal asked during the public comments portion of the meeting. He stated that the recycling program that the Council is considering implementing is a green waste recycling program, which is different than a curb side recycling program. He stated that he would like for the City to introduce a curb side recycling program sometime in the future and the green waste recycling program is the first step in that direction. He then explained that the City is using Robinson Waste for this program because they are the company that has the contract for regular garbage collection in the City. Councilmember Peterson asked if the City is required to solicit bids for collection of green waste. Ms. Brown explained that the City Attorney has advised that the issue is one of economy of scale and the City can add the service to the contract already in place between the City and Robinson Waste because Robinson Waste can be considered a sole source service provider based on the fact that they are already operating in the City. She stated that at the conclusion of the contract term the City can solicit additional bids for the service.

Councilmember Hammond stated that Councilmember Clark represents the City on the WIWMD Board and he wanted to commend him for all his hard work to get this program implemented in the City.

Councilmember Kimmel stated that he has read through the proposed ordinance and he can not find any language expressing that the program is purely an opt-in program. Councilmember Peterson stated that section 4-11-030(1) of the ordinance references the fact that the program is an opt-in program. Ms. Brown added that 4-11-030(3) clearly states that participation in the City's green waste recycling program shall be on a voluntary basis.

Councilmember Clark stated that section 4-11-011 talks about instances where dumping of green waste is prohibited. He read a portion of the section and stated that he understands the focus of the regulation, but he stated that if he desired to dump his green waste in his garden in order to use it as compost material he would be in violation of the ordinance. He stated that he could not find any other section of the ordinance that would provide him an exemption. Mayor Nagle agreed with Councilmember Clark's interpretation of the ordinance. Councilmember Clark stated that he would like for residents to still have the opportunity to compost their own green waste materials on their property. He asked if the wording of the referenced section should be changed or if a separate clause should be added to the ordinance to allow residents to keep compost piles on their property. Councilmember Kimmel suggested striking the word 'occupied' from the section. Ms. Brown stated that she would caution the Council against making that change because doing so would mean that someone could enter an unoccupied lot and dump their green waste materials there. Councilmember Kimmel stated there should be

some law against trespassing that would prevent people from doing that. Ms. Brown suggested that the Council give direction in their motion to adopt the ordinance that staff rework section 4-11-011 to allow residents to continue to compost their green waste materials on their property.

Councilmember Peterson stated that section 4-11-030(2) states that the City may excuse needy persons who are not reasonably capable of paying the monthly charge and he asked if it would be wise to add some stipulations to that section to clarify who would be considered a needy person. Mayor Nagle stated that all situations are different and if the City adds language to define needy based on an income level, there would be no flexibility and anytime the Council wanted to change that income level it would be necessary to amend the City Code. Councilmember Peterson stated he understands the validity in Mayor Nagle's argument.

Councilmember Peterson stated that section 4-11-060 talks about containers and says that if a container is broken the City will replace the container free of charge. He asked if that is a common occurrence with garbage containers. He stated he could see how a resident might be able to take advantage of that clause. City Administrator Worthen stated the City currently does repair garbage cans when they are damaged or broken. Councilmember Peterson asked what would happen if a resident backed over their container with their own vehicle. He asked if that happens on a fairly regular basis. Mr. Worthen stated that happens approximately two or three times each month. Ms. Brown added one problem the City currently has is that there is no section of the City Code that provides regulations and policies for regular garbage collection, so there is no written policy that addresses the question of repair or replacement of regular garbage containers. She stated that when she went through the process of developing this section of the City Code the City Attorney recommended that the Council adopt similar regulations for regular garbage collection during the process that the City will undertake to rewrite and recodify the City Code. She added that the green waste program will not be implemented until the spring of 2011 so it will be difficult to determine the problems with these regulations until the program is underway. She added, however, that the Council has the right to make any changes or updates to these regulations at any time.

COUNCILMEMBER CLARK OFFERED AN AMENDED MOTION TO ADOPT PROPOSED ORDINANCE 10-05 IMPLEMENTING A GREEN WASTE RECYCLING PROGRAM IN SYRACUSE CITY WITH THE FOLLOWING CHANGE:

CHANGE SECTION 4-11-011 TO INCLUDE LANGUAGE ALLOWING RESIDENTS TO COMPOST THEIR OWN GREEN WASTE MATERIALS ON THEIR PROPERTY.

COUNCILMEMBER HAMMOND SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Proposed Ordinance 10-06 updating Title Six, Chapters One through Four of the Syracuse City Code, Code Enforcement Regulations.

City staff has been asked to make revisions to the Code Enforcement Regulations included in the Syracuse City with the intent of streamlining the Code Enforcement process. Staff felt that the existing Code Enforcement Regulations were not citizen friendly and were difficult to understand. Staff provided a draft copy of the updates to the Code Enforcement Regulations to the Governing Body during their June 8, 2010 meeting. The Governing Body accepted the document for a first reading. The document was then reviewed during the July 13 and July 27 work session meetings. Staff made corrections to the document as suggested by members of the Governing Body and direction was given to set a public hearing for August 10 to allow the Council to consider final adoption of the updated regulations.

Mayor Nagle then convened the public hearing.

Karianne Lisonbee, 4334 W. 1700 S., stated that she feels that, in general, the City has done a pretty good job at organizing its zoning laws. She stated that the theory and principle behind the laws is sometimes missing. She stated that most of the words she is going to say tonight are not her words, but she agrees with them wholeheartedly. She stated that modern zoning laws are based on the assumption that no citizen has a right to control his own land and that every citizen has the right to control his neighbor's land. She stated that zoning laws have become far more restrictive in recent years; if one wants to use their own land they must beg, bribe, and grovel to the nearest government bureaucrat. She stated that local zoning officials are increasingly acting as petty dictators ruling and ruining the lives of average citizens. She stated that research has clearly established that those cities with the most restrictive ordinances also have the highest cost of living and the most sluggish economies; in contrast, the city of Houston, Texas, which has no zoning laws, is one of the most affordable large cities in the country and they led the nation in job creation in 2008 while the rest of the nation struggled economically. She stated that in reality there is not a day that goes by when the policies do not impact the lives of citizens in some way. She stated that she would ask the Council as they vote tonight to consider whether they stand for freedom or for tyranny. She stated she knows that statement is strongly worded, but when taken to a logical extent, she believes that she is right. She stated she wanted to read a quote from a very famous prominent church leader from Utah who said: "If you will keep government restricted to those activities which are prerogatives of individuals you will have peace and justice. At the moment that you give the government the powers of the Roman civil law to decide what is good for the masses and force them to live under it, then the constitution is dead."

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

COUNCILMEMBER CLARK MADE A MOTION TO ADOPT PROPOSED ORDINANCE 10-06 UPDATING TITLE SIX, CHAPTERS ONE THROUGH FOUR OF THE SYRACUSE CITY CODE, CODE ENFORCEMENT REGULATIONS. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Councilmember Kimmel stated that he would like to comment. He stated that he invited someone to tonight's meeting to speak about an issue that he has been trying to help them with recently. He stated that a couple bought a home down the street from him a couple of months ago and the wife is severely disabled. He added that her husband is a disabled marine who has lost his sense of hearing; he is the gentleman that addressed the crowd during the Memorial Day celebration. He stated that the couple has wanted nothing other than to be good citizens. He stated they began to work to add onto the sunroom that extends off the back of their house and in doing so they invited the City Building Inspector to their home to inform them of the proper process and regulations. He explained that the Building Inspector told them that the landing on their wheelchair accessible deck in their backyard encroaches upon the required setbacks for the property and that they can not have a deck within 20 feet of their property line that has a landing area. He stated that, therefore, their deck is a violation of Syracuse City Code and they were issued a mandate to tear the deck down. He reiterated that both the husband and wife are disabled and they are living on a fixed income. He stated that the wife wrote a letter to be shared with the Council. He stated he would not read the letter into the record, but any interested Councilmember can read it on their own. He stated that in 'our' zeal to control other people's property and what they are allowed to do on their property, 'we' have taken this woman's ability to access her backyard and have freedom to access her own property. He added that 'we' have put her under the force of law to make changes to her property. She stated that the Council has voted on issues recently that have 'tugged at the heartstrings' and this issue should be one of those because the Council should now be aware of how zoning laws affect real people. He stated that code enforcement is force and he does not subscribe to it and he would hope that the Council would agree to take a look at the rules they are adopting and instead approach things in a different manner that would give people a chance to live freely on their own land.

Councilmember Clark stated that throughout the process of reviewing these updated code enforcement regulations he has said that there must be a healthy balance between one's property ownership and their neighbor's property ownership. He stated that he wanted to respond to the comment made by Ms. Lisonbee regarding the fact that Houston, Texas does not have zoning laws. He stated that there is an article in the Business Week magazine regarding that fact and there were some comments made regarding that article, one of which is: "I used to live in Houston. Interestingly enough, since pretty much any residential area in Houston is covered by covenants, conditions, and restrictions (CC&Rs) due to no zoning, I actually have more property rights where I live now with zoning than I did in Houston. Libertarians would have you believe that things like zoning result in fewer freedoms, but in reality that isn't the case." He stated that comments like these allow one to get a true feel for perception and understanding. He reiterated that there must be a balance. He stated that he is not saying that what the City is doing is totally right and it will likely be necessary to continue to monitor this section of the City Code. He stated that is why the Council has opted to go through the recodification process, which will ultimately help to ensure that the necessary balance is in place. He stated he appreciated Councilmember Kimmel's example, which is an example to the negative side of zoning laws, but he wanted to offer that there are also examples to the positive side of the laws and he thinks that as the Council continues to have discussions about this issue they will be able to find solutions that do work for the entire community. He stated he feels it is important that the City have something in place to provide some protections; maybe some will perceive that having such an ordinance in place is a violation of freedoms, but he feels that the ordinance may provide residents with some freedoms that may not exist otherwise.

Councilmember Hammond asked Councilmember Kimmel how long ago they were given the mandate to remove their deck. Councilmember Kimmel stated that the process began approximately six months ago and his neighbors subsequently applied to the Planning Commission for a variance to the ordinance and that application was initially denied. Councilmember Hammond asked if the couple obtained a building permit from the City to build the deck. Councilmember Kimmel explained that the deck was built by the previous home owner, who had not obtained a building permit from the City. He added that when the new owners added a wheelchair accessible ramp to the existing structure they did not obtain a permit for that work. Councilmember Hammond asked if the Planning Commission has made any decisions about the property in the past. Councilmember Kimmel reiterated that the couple's first application for a variance was denied and they are working to make a second application for the same consideration. Mr. Worthen pointed out that variance applications are not considered by the Planning Commission; rather those applications are forward to the City's Board of Adjustments or the City Council. GIS Technician Moyes added that the Planning Commission has heard about this issue and they are working to redefine a wheelchair ramp structure to try to accommodate the citizens that Councilmember Kimmel is referencing. Councilmember Hammond stated that he is sure that Syracuse City has a heart, especially under these types of circumstances.

Mayor Nagle agreed that there must be a healthy balance, but the City must also be able to consider situations like the one addressed by Councilmember Kimmel on a case by case basis. She then stated that she has received several emails about the City's zoning ordinance. She explained there was one citizen in particular that was upset about the changes made in 2008 regarding keeping of chickens on one's property because the citizen feels that the changes are negatively impacting him. She explained that he has a beautiful home with a deck in the backyard and he and his family love to spend time out on

their deck. She explained that they had new neighbors move in next to them and they placed a chicken coop right next to their property line, which is very close to their deck. She stated that the resident has said that it is difficult for them to sit on their deck and enjoy their night because of the odors and noises that come from the chicken coop. She stated that resident understands that people should be allowed to keep chickens on their property, but he has asked what laws or regulations are in place to protect his property rights. She stated that it will be impossible to find a 'silver bullet' that makes everyone happy, but it should be possible to find some balance. Councilmember Kimmel stated that this discussion should be extended to dogs and noisy children as well. Mayor Nagle stated that would be Councilmember Kimmel's prerogative. Councilmember Kimmel asked where government regulations should stop. Mayor Nagle stated that she does not know the answer to that question and she stated that is why she made the comment that there is no 'silver bullet' that will make everyone happy. She stated that the Council needs to be able to find a balance and it is not an easy balance to find.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed ordinance; she called for a vote. ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER KIMMEL WHO VOTED IN OPPOSITION.

8. Authorize Administration to dispose of surplus property in accordance with Title Three, Chapter Eight of the Syracuse City Code.

Police Chief Wallace provided a list of items that the Police Department would like to dispose of. He will be present this evening to review the list of items with the Governing Body as well as answer any questions regarding this action.

The section of Syracuse City Code dealing with the disposal of public property reads as follows:

3-8-6: DISPOSAL OR LEASE OF PUBLIC PROPERTY. All disposal, leases, and subleases of public property of the City shall be made under the same conditions and limitations as nearly as possible, as required by this Chapter in the purchase of public property, but the City Council, at its discretion, may also authorize:

- (A) The sale of any property at public auction if it deems such a sale desirable and in the best interest of the City; or
- (B) The lease or sublease of any such property at a properly advertised public hearing under such terms and conditions as it may deem desirable, fair, and appropriate, considering intended land use, equivalent property tax value, and the best interest of the City.

COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF SURPLUS PROPERTY IN ACCORDANCE WITH TITLE 3, CHAPTER 8 OF THE SYRACUSE CITY CODE. COUNCILMEMBER HAMMOND SECONDED THE MOTION.

Councilmember Hammond asked where the proceeds from the sale will be deposited. Mayor Nagle stated that all proceeds will be deposited into the City's general fund.

Councilmember Hammond asked when the auction will be held. Police Detective Corey Rowley stated that there is an advertisement about the auction on the City's website; it will be held on Saturday, August 14 at 8:00 a.m. with a preview beginning at 7:00 a.m.

Councilmember Peterson stated that the memo provided by Chief Wallace indicates that there were some items that were given to other Departments in the City rather than being held for the auction and he wanted to ensure that is an allowed practice in accordance with City Code. Mr. Worthen stated the practice is allowed by City Code. Mayor Nagle asked if the items given to other Departments are added to the City's property inventory list. Mr. Worthen stated that those items with a high value assigned to them will be included in the City's inventory list.

Councilmember Kimmel asked if the auction will be a silent auction. Mr. Rowley stated that the auction will be conducted by an auctioneer. Councilmember Kimmel stated that the list includes an estimated value assigned to each item and he asked if the auctioneer will start the bidding at that estimated value amount. Mr. Rowley explained that the auctioneer will be provided with a minimum bid that will be accepted for each item.

Mayor Nagle stated that she has a concern about items not being included in the City's inventory because if that is not being done there is no way to say that the City has control over how items are being used. She stated that one of the items transferred to another Department in the City is a pink mp3 player and she stated that if that item is not included in the City's inventory there is no mechanism in place to prevent an employee from using that item for personal reasons. Mr. Worthen stated that the City's personnel policy and procedures manual dictates that City equipment will not be used for personal use. Mayor Nagle stated she understands that policy, but reiterated that there is no control over that if the items are not added to an inventory list. She stated failing to add those items to an inventory list leaves the issue open for questioning, which is never a good thing. Mr. Worthen stated he understands what Mayor Nagle is saying. Mayor Nagle stated she would like to understand why a pink mp3 player was needed by another Department in the City. Mr. Worthen stated he does not have the answer to that question. Mr. Rowley interjected that some of the items that are being kept out of the auction, such as

DVD players and mp3 players, are used by the Police Department in sting operations. He stated they are placed in bait cars with tracking devices and they assist the Police in tracking a burglar. He added that the items are kept in the evidence room and no one would be allowed to take any of the items off City property for personal use. Mayor Nagle stated she is not indicating that the employees may be using the items inappropriately; rather she simply believes that there should be some method in place to track the transfer of those items and what their intended use is. Mr. Rowley stated that he agreed. Mayor Nagle stated that the items could easily be added to an inventory list. Mr. Worthen stated that he can assemble an inventory list and send it to each member of the Governing Body.

Councilmember Hammond asked what an SCVA kit is. Mr. Rowley stated that it is a self contained breathing unit that would be used in the Fire Department.

Mayor Nagle stated that she would suggest that the Council make an amended motion to direct staff to account for the items that have been transferred to other Departments in the City.

COUNCILMEMBER PETERSON OFFERED AN AMENDED MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF SURPLUS PROPERTY IN ACCORDANCE WITH TITLE 3, CHAPTER 8 OF THE SYRACUSE CITY CODE, WITH THE STIPULATION THAT ALL ITEMS INCLUDED ON THE AUCTION LIST THAT HAVE BEEN TRANSFERRED TO OTHER DEPARTMENTS OF THE CITY BE INCLUDED ON AN INVENTORY LIST WITH JUSTIFICATION FOR HOW THEY WILL BE USED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

9. Authorize Administration to execute agreement with Peak Software Systems for purchase and maintenance of SportsMan online sports registration program.

The Recreation Department currently uses a program called Sportsman to conduct registration for programs, classes, and sports for participants throughout the City. With the current software the City is unable to offer residents online registration; the top complaint from citizens is that the City does not offer online registration while all surrounding cities do offer the service. The Recreation Department is in desperate need of an upgrade to the system, which would enable staff to not only to conduct online registration, but also split payment types (i.e., half cash, half check), create waiting lists for late registrations, plus many more time saving applications. The least expensive option for offering online registrations is to upgrade our software; typically, software of this caliber costs anywhere from \$12,000 to \$15,000, but because the City is a current user of the software, the vendor has agreed to discount the upgrade cost to \$4,400. This software upgrade is vital in providing citizens with the most convenient services. It is also compatible with our current online bill pay system, Xpress Billpay. Recreation Department staff asks that this upgrade be approved to enable the City to provide citizens with the services they most need and desire.

Recreation Director Robinson approached the Council and summarized the staff memo included in the packet. She added that she currently does not have \$4,400 in her budget to pay for the upgrade, but she does have that amount of money available in the Recreation Trust Fund and it is simply necessary to transfer that money from the Trust Fund to her Department budget in order to complete the transaction.

Councilmember Hammond inquired as to what percentage of program registrations are currently being done online. Ms. Robinson stated that no registrations are being completed online because that is not an option that the City currently offers. She reiterated that she and her staff receive complaints about the lack of an online registration tool on a regular basis.

Mayor Nagle inquired as to the amount of time it currently takes a staff member to process an in-person program registration. Ms. Robinson stated that the new software will help reduce the staff time spent on registrations by nearly half. She added that the software will also automatically set up a program waiting list that the staff will be able to utilize.

Councilmember Clark inquired as to how a \$4,400 transfer would impact the balance of Ms. Robinson's Trust Fund. Ms. Robinson stated that she is currently working with Finance Manager Fowles to dissolve the Trust Fund and the money will be transferred to an expense account that will be much easier to manage. She stated that the balance of the Trust Fund is currently approximately \$25,000; therefore, a \$4,400 transfer will not create too much of an impact. Councilmember Clark asked if there are any costs associated with the software in addition to the \$4,400; he asked if technical support is included in the purchase price. Ms. Robinson explained that the vendor will train her staff to use the new system and they will be available for support on an as-needed basis.

Councilmember Peterson stated that the contract is dated in 2009. Ms. Robinson explained that is a typographical error and she has contacted the vendor and they have since changed the date to 2010. Councilmember Peterson commented that he feels this software will provide a great service and there will be a lot of residents that will be very happy about this new option. Mayor Nagle agreed.

Councilmember Hammond asked if IT Director Peace has reviewed the software and is comfortable with installing it on the City's server. Ms. Robinson stated that the vendor worked very closely with Mr. Peace to ensure that the software will be completely compatible with the City's operating system. She reiterated that if the City were to use different software to provide this service, the City could incur a cost of upwards of \$15,000.

Councilmember Clark asked if the software will be installed on a new or existing server. Mr. Peace stated that it will be installed on the City's main sequel server.

Mayor Nagle stated that it seems like the software will help to create efficiencies in the Recreation Department. Ms. Robinson stated that will definitely be the case. She added that she has contacted other cities that offer the service to see what positive and negative aspects they have discovered about online registration. She stated that she found that customers will be given a confirmation number verifying their online registration, which will help to safeguard against any lost online registrations.

Councilmember Hammond asked if residents will still have the option of registering for programs in person, to which Ms. Robinson answered yes.

Mayor Nagle asked Ms. Robinson to estimate how long it currently takes to manually process a program registration. Ms. Robinson stated that the total time spent on a manual registration is anywhere between seven and 10 minutes. Mayor Nagle inquired as to how many registrations her staff is currently processing. Ms. Robinson stated that she received 460 football registrations, 1,200 baseball registrations, 1,000 basketball registrations, 800, soccer registrations, plus registrations for several other smaller programs offered by the City. She added that she has been talking with Ms. Fowles about implementing a policy by which the City would only accept cash, credit cards, or a money order as payment for program registration. She stated that practice would save the City time in tracking down people that write bad checks.

Councilmember Hammond asked if the City currently has in place security measures to protect credit card users, to which Ms. Robinson answered yes.

Councilmember Clark asked if the software could be used to allow people to register online for Heritage Days activities. Ms. Robinson stated that the software can be used for everything that she currently uses her Sportsman software for, which includes Heritage Days.

COUNCILMEMBER HAMMOND MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE AGREEMENT WITH PEAK SOFTWARE SYSTEMS FOR PURCHASE AND MAINTENANCE OF SPORTSMAN

ONLINE SPORTS REGISTRATION PROGRAM. COUNCILMEMBER PETERSON SECONDED THE MOTION.

Councilmember Kimmel said that he is a proponent of the free market and he does not believe that government exists to provide sports programs or any other program for the enjoyment of people. He stated that if he believed that were the case the government should be providing violin lessons for his kids. He asked where government stops after it starts providing popular sports programs or any sort of recreation activity. He stated that the government then taxes the citizens to make the programs effective, so everyone is paying for other people's children to play sports. He stated that he would like to see sports programs ran by the private sector, parents, or other entities; therefore, he would not be in favor of authorizing the Administration to execute this agreement because government should not be involved in providing recreation programs for the citizens.

Councilmember Shingleton asked for information about the Recreation Trust Fund. He stated he is not aware of how that fund functions. Mayor Nagle stated that is one of the many things that Ms. Fowles has discovered since she began working for the City and she is working to dissolve all existing trust funds. She stated that money needs to be run through a 'cash-in, cash-out' type of accounting system. Ms. Robinson explained that her Trust Fund was created at a time when people were making donations to the Recreation Program and it was the desire of the Administration to keep those donations separate from the City budget. She stated that the local Tanner Clinic offers physicals to sports program participants and they then donate a portion of their proceeds from those physicals back to the City to benefit a sports program. Councilmember Shingleton asked if any money in the Trust Fund has come from tax payers, to which Ms. Robinson answered no.

Ms. Robinson then stated that she wanted to address the comments made by Councilmember Kimmel. She stated that the Recreation Department offers more than just the 'popular' sports programs. She stated that she frequently receives request from citizens for the City to offer alternate programs, which is why she has several contract employees that teach or coach those programs. She stated that most cities run their own recreation programs; there are a few that do not run their recreation programs and in those cities a group like a parents organization may run a program, but that practice is not common. She stated that she can provide the Council with a list of cities that do not offer recreation programs. Mayor Nagle stated that she would like to see that information.

Councilmember Kimmel stated that his comment is based on principle. He stated that the question he is trying to get people thinking about is whether government should be providing recreation programs to citizens. He stated that his answer to that question is no. Ms. Robinson stated that she understands Councilmember Kimmel's position, but she pointed out that the Council voted last year to increase recreation program participation fees so that the program are not being subsidized by the City or by tax payer dollars. She stated that the only cost that is subsidized by the City is staff wages, but the actual program costs are paid for by participation fees.

Councilmember Shingleton stated that he intends to vote in favor of authorizing this agreement and the only reason he will be voting in that manner is the fact that the software will not be paid for with tax payer dollars and will instead be paid for with Trust Fund money that was raised via donations.

There being no further discussion, Mayor Nagle stated there has been a motion and a second regarding the proposed agreement; she called for a vote. **ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER KIMMEL WHO VOTED IN OPPOSITION.**

10. Department Report – Fire Chief.

Fire Chief Cottrell approached the Council and stated that he wanted to begin his report by providing some background information about himself and his Department. He explained that he began working for Syracuse City approximately three and one half years ago and he began laying the foundation for the organization of the Department today. He stated that when he started working for the City the Department was in somewhat of a chaotic mode. He stated that his primary mission is to provide emergency response; that is what his Fire Fighters do and they do it well. He explained that last year they responded to 742 calls, which was an increase of 80 calls from the previous year. He stated that the number of calls received so far this year are similar to the number of calls received at this same time last year. He stated that he set some priorities for the Department and some of those priorities have been met, one of which was his staff being available to go out the door when a fire alarm rings. He stated that the industry standard is to have four Fire Fighters on an engine so that there can be two Fire Fighters in and two Fire Fighters outside of the house during a fire. He stated that if the four Fire Fighters are not available to man an engine upon a fire alarm the crew would be required to wait for a volunteer Fire Fighter to report to the station. He stated that it can take up to 17 Fire Fighters to handle everything that needs to be handled in the first 10-minutes of a fire emergency, which is why it is necessary to execute mutual aid agreements with other emergency response agencies. He stated that when he started working for the City the problem with mutual aid was that his crew was required to use their radio to call for help. He stated that through his efforts and the efforts of other Chiefs in the area, as well as the dispatch center, a process has been developed whereby mutual aid agencies are dispatched to fires in Syracuse City at the same time as Syracuse crews.

Chief Cottrell then stated that he wanted to talk about the City's Insurance Services Organization (ISO) rating. He stated the City's current rating is five and he has been researching the City's options for getting that rating lowered. He

stated that the last time the City was rated, the overall score on the assessment was 53 points; in order to reduce the rating to a four the assessment score would need to be at least 60 points. He stated a rating of four would not greatly reduce insurance rates for residents, but achieving a rating of three would greatly impact insurance rates. He stated that in order to get a rating of three the City would need to achieve an assessment score of 70 points. He stated he has been working on many ways to achieve that high score on an assessment and he intends to invite the ISO back next spring to conduct a new assessment. He then stated that the last thing he wanted to discuss with the Council is the future challenges that his Department faces. He stated that the apparatus assigned to the Fire Department is heavily used and eventually it will wear out. He stated he has a plan for replacing that apparatus, but no funding source to carry out the plan. He added that retaining full time employees will be a challenge as well; he currently has some full-time employees that are starting to test for jobs elsewhere because they have the ability to earn a higher wage from other entities. He stated that as emergency response plans of the City change based on decisions made by the Council it will be necessary for him to review the level of service he is able to provide. He then stated that he appreciates the Governing Body; the liaison to his Department is Councilmember Peterson and he appreciates his participation with the Fire Department.

Mayor Nagle stated that she wants to commend Chief Cottrell for how well he is running his Department. She explained that he is one of the only Department Heads that has implemented and is operating according to a strategic plan. Chief Cottrell stated that he places a great emphasis on customer service; his employees go out of their way to take care of the citizens of this City.

Councilmember Hammond noted that Fire Department personnel have been called to assist residents on his street several times and following each instance he always hears comments about how professional and courteous the emergency responders were in handling the situation. He asked Chief Cottrell to pass that compliment on to his staff.

11. Councilmember Reports

Councilmember Kimmel stated that he wanted to talk about two votes that the Council has taken; one vote was taken tonight and the other was taken during a meeting when he was absent. He stated that tonight's vote was for the updated code enforcement regulations. He stated that he wants people to think about these kinds of votes in the future. He stated that a resident made a comment about the code enforcement regulations and he wanted to follow up on that comment. He stated that it is shocking to him that 'we' all give up 'our' freedoms and rights to control 'our' property so that 'we' can control our neighbor's property. He stated that in giving up one's rights another's rights are taken and to do that for the greater good is not what a constitutional republic is all about. He stated tonight's vote is an example of tyranny and socialism. He stated that the code enforcement regulations state that weeds must be maintained at a height of no more than six inches tall. He stated that property owners in violation of that provision include the Utah Department of Transportation (UDOT), the City, and some of the largest developers in the City. He added that there are several developments in the City that have stalled and there are three-foot tall weeds on those properties as well. He stated that City properties are not in compliance with the City's own codes, yet the City will not be fined or harassed and he wondered if the other entities he mentioned will be. He stated that one could drive on Antelope Drive all the way out to Antelope Island and UDOT owned property on both sides of the road is in violation of City code enforcement regulations. Councilmember Kimmel then stated that he wanted to talk about the vote that was taken during the last City Council meeting in regards to the Community Development Block Grant (CDBG) entitlement program. He stated that it appears to him that since January there have only been two items that the City Council has voted against; both of those votes were reversed almost as quickly as they were voted down. He stated that one vote dealt with the Unlimited Play park and the other dealt with the CDBG program. He stated that both items were added onto an agenda as quickly as possible and they were even considered during special meetings. He stated that new light was given to the items to get them passed. He stated that means that the Council is 'batting 1,000'. He stated that sends the message that this City government has never had a bad idea, a bad proposal, a bad ordinance, or a bad program that has been unconstitutional no matter what level of the government is the recommending agency. He stated that means that the Syracuse City government has had only good ideas for the last eight months. He stated that if the Council is going to set the trend to vote yes on every item that comes across its desk, the Councilmembers should be issued rubber stamps. He stated that he has conservative values and he believes that government should be limited and he does not believe in entitlement programs; the only things that every citizen is entitled to are life, liberty, and the pursuit of happiness. He stated that the Obama administration passed legislation to mandate health care and there are now pending lawsuits in 19 states as a result. He stated, however, that the City had no problem approving an entitlement program that will tax residents in order to provide a women's shelter or upgrade pipes in a certain area of the City. He stated those types of things should be funded by the private sector. He stated that he is sorely disappointed that the issue was raised again and again for a vote until the desire of the City administration was achieved. He stated that if the City plans to wait for change to come down from Washington D.C., as was noted during a recent Council meeting, then the City will be waiting for a long time for that change to happen. He stated that accepting the federal governments programs and handouts, the City is no better than them. He stated that the City is saying that 'we' agree with the program and will take the money associated with it. He stated that the path this nation is on is one to bankruptcy and if people do not start making changes now and learn how to live and govern differently,

problems will come upon 'us' in a hailstorm and flood and the City will not have the money to pay for programs because the entire nation will be bankrupt. He stated that people may be sitting back waiting for an economic recovery, but they will be waiting a long time for that to happen as well. He stated there is no economic recovery in place; economists are now calling the recession a 'double-dip recession'. He stated that he hopes for more from our government and he hopes to give people more rights, freedoms, and choices to keep government out of our lives. He stated government should be doing less and passing less laws.

Councilmember Peterson stated that the Council has talked about trying to maintain a community feel and encourage volunteerism. He stated that, along those lines, he attended the recent production of "Joseph and the Amazing Technicolor Dreamcoat", which was presented by the Syracuse Arts Council. He stated the production was very professionally done and while he was sitting there he got the feeling that the community had come together. He stated that his eight year old son walked out of the performance and said that it was awesome and he wants to go back next year. He stated that he wanted to commend the Arts Council for their great work.

Councilmember Clark stated that he first wanted to respond to Councilmember Kimmel's comments. He stated that the City Council does not simply rubber stamp every item that comes before the body; rather, the Council spends a lot of time and effort reviewing and discussing every issue during work session meetings before it is ever added to a business meeting agenda for a final vote. He stated that if nothing were ever discussed and were instead simply presented to the Council for a vote, most issues would be voted down. He stated that since the Council is able to communicate as a body and is most times able to reach a consensus before an item is added to a business meeting agenda, it is not necessary to vote items down. Councilmember Clark then stated that he recently had a personal need to call Davis County and talk to them about his property taxes. He stated that when he told the employee on the phone that he was from Syracuse City, she commended the City's Public Works Department and stated that they are one of the finest in the County to work with. He stated he wanted to pass that compliment on to the City staff.

Councilmember Hammond reported that he also attended the Arts Council presentation of "Joseph and the Amazing Technicolor Dreamcoat". He stated that it was outstanding and the Arts Council is to be commended for the work they did to bring the community together. He then reported that the Museum Board met recently and they are pushing to have their bylaws completed for consideration by the Council. He then stated that Councilmember Kimmel failed to report on his assignment with the North Davis Sewer District (NDSD) and he asked for an update as to what happened in the Board's most recent meeting. Councilmember Kimmel stated that the Board will meet this Thursday and they are holding a truth in taxation hearing, at the conclusion of which they will hold a vote regarding whether to raise taxes 13 percent. He stated the NDSD has a \$33 million surplus and they feel that they still need more money from the tax payers to 'fill the gap' that they believe exists. He stated that those that agree with that assessment can attend the meeting and tell the Board that they would like for them to increase taxes, but those that don't agree should attend the meeting and voice opposition to a tax increase. He reiterated that the meeting will be held this Thursday at 6:00 p.m. Councilmember Hammond asked Councilmember Kimmel if he will have the opportunity to vote on the tax increase, to which Councilmember Kimmel answered yes. Councilmember Clark inquired as to the Board's reasoning behind the proposed tax increase. Councilmember Kimmel stated that, as always, government has a great reason for raising taxes. He stated that the NDSD has said that it will be necessary for them to replace a digester in the next couple of years at a cost of approximately \$6 million. He added that there are a couple of other projects that they would like to be able to accomplish that have been delayed for at least a year. He stated that the NDSD does not want to be forced to issue another bond in the future or to reduce their surplus, so the only way to complete projects on a 'pay as you go' basis is to increase taxes. He stated that the NDSD does not want to reduce their surplus because they believe that in the case of a natural disaster there would be no help offered to them by the state or federal government. He stated the \$33 million surplus will be needed to replace pipe in the case of a seismic event. Mayor Nagle stated that Councilmember Kimmel usually argues that 'we' should be taking care of our own and pay for the things that are needed. Councilmember Kimmel stated that is correct. Mayor Nagle stated that in the event of a seismic disaster, which the state is ripe for, she wondered why Councilmember Kimmel was opposed to the NDSD having their surplus available to them to make necessary repairs. She asked Councilmember Kimmel if that is not an example of the kind of foresight that he would hope that government would have. Councilmember Kimmel stated that according to NDSD estimates there is approximately 150 miles of pipe and the NDSD would need at least a \$150 million surplus to fix all the pipes in the ground following a seismic event. He stated that a 13 percent tax increase is not enough to provide that kind of surplus and maybe it would be a better idea for the NDSD to pass a 5,000 percent tax increase to afford them a large enough surplus balance. Mayor Nagle stated that she is simply trying to understand Councilmember Kimmel's position because he continuously says that everyone should take care of themselves with no subsidies; if the state and federal government would be willing to 'bail out' the NDSD following a seismic event then a smaller surplus balance is acceptable, but if that assistance will not be available it seems wise to maintain a high surplus balance. Councilmember Kimmel stated that is a great point, but his argument is that the system is extremely broken and following any seismic event that has occurred in the last 50 or more years there has been a 'bail out' from the federal government, especially since the creation of the Federal Emergency Management Agency (FEMA). He stated that because that has been happening entities have been diverting money out of

their surplus funds. He stated that as long as a state of emergency is declared, the recovery expenses will be covered. Mayor Nagle stated that she seemed to recall Councilmember Kimmel quoting a Dr. Seuss book about how if someone doesn't do what they should be doing then someone else will do it for them. She stated that at that time Councilmember Kimmel said that someone else could have the CDBG entitlement money and the City will take care of its own. She asked why those same circumstances are not true in this instance and why Councilmember Kimmel is comfortable relying on FEMA, a government agency. She stated that Councilmember Kimmel seems to be selective with his argument. Councilmember Kimmel stated that he would argue that the federal income tax be abolished in favor of raising property taxes 5,000 percent to get the necessary surplus. He stated once that is done it will be possible to fund repairs following any seismic event. Mayor Nagle stated that she is simply trying to understand the rationale in Councilmember Kimmel's argument. She stated that he is arguing for government subsidies in some cases and against it in others. Councilmember Kimmel stated that he has never argued in favor of subsidies given by the state or federal government. Mayor Nagle stated that Councilmember Kimmel indicated that is his argument in the case of the NDS. Councilmember Kimmel stated that he simply said that is what the NDS would do, whether he likes it or not. Mayor Nagle stated that Councilmember Kimmel is indicating that it would be fine to accept government subsidies in the case of a seismic event. Councilmember Kimmel stated that he is not saying that would be fine; rather he is simply saying that is what would happen. He then stated that he was trying to answer Councilmember Hammond's question on his time and he would like to refer back to Councilmember Hammond.

Councilmember Hammond then stated that school will be starting soon and he encouraged everyone to drive very attentively down the recently re-opened section of Antelope Drive. He stated that he was recently informed that there will be a grand opening party on August 19 and he asked if that is correct. Mayor Nagle answered yes and stated that the party will be held from 4:30 to 7:00 p.m. in Legacy Park. Councilmember Hammond stated that is a great idea and he encouraged people to attend. He then reported that each Councilmember has been assigned to participate on a community council of one of the local schools. He stated that if Councilmembers are not able to attend the meetings of those community council's, he would appreciate the opportunity to attend in their place. He stated his schedule is very flexible.

Councilmember Shingleton stated that he visited with the president of the Syracuse Arts Council recently and he found that the production of "Joseph and the Amazing Technicolor Dreamcoat" was a great success and the attendance was nearly double of that of last year's production. He added that they generated approximately \$10,000 in donations, advertising revenue, and ticket sales; they count this year's production as a great success. He stated that it may be necessary for the Council to consider options for funding these types of things, but more than anything he wanted to congratulate the Arts Council for their successful production. He stated that there were 40 kids from the ages of three to 14, as well as many adults and teenagers, that were part of the cast. He stated that the play had a great message and the talent of Syracuse residents was amazing. He then stated that the Council is considering adjusting the City's impact fees to offer a friendlier environment for developers of commercial and residential developments. He stated he has advocated that type of change for the past two years and it looks like that will be coming to fruition. He then stated that he wanted to thank the staff and citizens that are in attendance this evening. He added that if anyone every wants to talk to the Council they should be assured that the Councilmembers are willing to listen.

Councilmember Clark asked Councilmember Shingleton if the Arts Council had any idea why the attendance at this years play was so much higher than last year. Councilmember Shingleton stated that can be attributed to the quality of last year's plan and the subsequent word of mouth about the quality. He stated that the Arts Council may be able to do a better job of advertising in the future. Councilmember Clark added that the advertising the Arts Council got from the City newsletter likely helped as well. Councilmember Shingleton agreed and stated that he has received many positive comments about the newsletter. He stated that people like the business advertisements and the section that reviews the past two City Council meetings, which shows transparency to the citizens.

12. Mayor Report

Mayor Nagle stated that she wanted to echo what Councilmember Clark said about the Public Works Department. She stated there was an issue with a main water line break during the early morning hours and the Public Works Department responded very quickly. She stated that she received emails from some residents whose homes were nearly flooded as a result of the break who were so impressed with the response of the Public Works Department. She stated she wanted to make sure the Council is aware of the quality of the response to that situation. She stated that the City has asked a lot of its employees and many of them have 'stepped up to the plate' and she wants to make sure that those employees are aware that she values and appreciates their effort.

13. City Administrator Report

Mr. Worthen agreed that the City does have a great staff and he thanked those that attended and contributed to tonight's meeting. He then reported that the development of the 2.5 acres of ground located between the Fire Station and the Syracuse Arts Academy is now underway and is going well. He reported that the 2700 South project is also progressing and the contractors hope to pave the west portion of the road this Thursday or Friday. He added that he has worked with Mr.

City Council Meeting
August 10, 2010

Peace to set up a Facebook and Twitter page for the City; information about upcoming City events can be found there. He then stated that he wanted to pass on kudos to the staff for everything they do for the City; there is a lot of work going on 'behind the scenes' that the residents may not always be aware of.

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

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

The meeting adjourned into Closed Executive Session at 9:03 p.m.
The meeting reconvened at 10:15 p.m.

At 10:15 p.m. COUNCILMEMBER HAMMOND MADE A MOTION TO ADJOURN. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: September 14, 2010