

Minutes of the Regular Meeting of the Syracuse City Council held on September 8, 2009, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Alan Clark
Doug Hammond
Lurlen A. Knight
Douglas Peterson
Larry D. Shingleton

Mayor Fred Panucci
City Administrator Rodger Worthen
City Recorder Cassie Z. Brown

City Employees Present:
IT Director TJ Peace

Visitors Present: Kerry Logan	Constance Logan	Carla Fountain
John Fountain	Larry Waite	Bob Yeaman
Dan Yeaman	Jamie Nagle	Bob VanVelkinburgh
Heidi Peace	Darrell Johnson	Jared Slater
Corbin Harmer	Zack Pera	Trevor Anderson
Mitchell Pessetto	Jon Dangel	Sarah Schofield
Matt Kimmel	Ryan Mantz	K. Volk
Mike Norton	Tanna Woods	TJ Jensen

1. Meeting Called to Order/Adopt Agenda

Mayor Panucci 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. An invocation was provided by Councilmember Knight and at the request of the Mayor, Boy Scout Zach Pera led all present in the Pledge of Allegiance.

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

2. Approval of Minutes

The minutes of the Work Session Meeting of August 25, 2009 were reviewed.

Councilmember Clark stated that page one line 26 of the minutes includes a reference to a comment made by him, but the comment was not made by him; rather, it was made by Councilmember Shingleton and he asked for the minutes to be amended to reflect that correction.

COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETING OF AUGUST 25, 2009 AS AMENDED. COUNCILMEMBER CLARK SECONDED THE MOTION; ALL VOTED IN FAVOR.

The minutes of the Regular Meeting of August 25, 2009 were reviewed.

Councilmember Knight stated that page four, line eight of the minutes states that he attended an event that he reported on. He clarified that he did not actually attend the event; rather, he had heard that it was a success and he was simply congratulating the Police Department on their organization of the event.

COUNCILMEMBER CLARK MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 25, 2009 AS AMENDED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Public Comments

Kerry Logan, 582 W. 3750 S., stated the reason for his comment is his deep concern for the well being of the City's Fire and Police Departments. He stated that he is running for City Council as the "One Dollar a Year Candidate". He stated that the reason for this is that he wants to use the funds that have been allocated for Councilmembers' salaries to pay for life insurance policies for the City's part time and volunteer Fire Fighters. He stated that he has in his possession a piece of paper that details the benefits each elected official received during the 2008-2009 fiscal year (FY). He stated the Mayor was paid just over \$10,000 in salary, but over \$15,000 in additional benefits. He asked how the Governing Body could say that they could not find any additional budget cuts that could be made; there is not a single Councilmember that is not having at least one benefit paid for by the taxes paid by the citizens. He asked how the elected officials, as part time employees, are eligible to receive 401K contributions. He asked why the elected officials feel they are entitled to any benefits and he asked if it is not compensation enough to have the honor to serve the City as an elected official. He stated that in the event that he is not elected as a Councilmember in the City, he wanted to know if the current Council would be willing to swear 'on their honor'

to do away with health benefits for Councilmembers – not next year or next month, but this month. He asked the elected officials to forego any health benefits they are eligible to receive, such as health, dental, and vision benefits. He stated the comment was made at a recent cottage meeting that it may not be fair to discontinue benefits at this time without giving elected officials proper notification and time to secure alternate benefits, but he would argue that now is the best time to make a change because it is the beginning of a new FY. He asked the Governing Body to swear or affirm before “God Almighty” to provide life insurance policies to the Fire Fighters who have had their life insurance policies discontinued. He stated the Fire Fighters provide the City with a service that can not be measured in dollars and he does not know how the elected officials can rank themselves above Fire Fighters, which they have done by voting to provide life insurance policies to elected officials.

Larry Waite, 1541 S. 1250 W., stated that he is going to speak about the same topic that Mr. Logan spoke about. He stated that on Friday, September 4 there was an article in the Standard-Examiner entitled ‘Top of Utah City Unlike Most Others’; the article spoke of the budget concerns of the City and ‘tax-hikes’ not preventing Syracuse City from being one of a handful of Northern Utah cities to offer part time elected leaders the same benefits available to the City’s full time employees. He stated that in the article Mayor Panucci is quoted as defending the four-year practice, stating that ‘the City is not unique in offering full benefits’ and he also stated ‘the compensation package helps the City attract better municipal candidates’. He stated he will not take the time tonight to review the full text of the article, but he did have some questions for Mayor Panucci and Councilmember Shingleton. He asked Mayor Panucci to explain further his comment that offering benefits will attract better candidates to run for office in Syracuse City. He asked if the citizens can conclude from that remark that neighboring cities that do not offer compensation to elected officials attract less qualified municipal candidates and thereby less qualified individuals are elected. He stated that if Mayor Panucci holds true to his comment his follow-up question is regarding the recent cutbacks in employee compensation packages and he wondered if the City is reverting back to a time when Syracuse City was a training ground for other cities and is the City lowering its expectations for potential future employees by offering a reduced compensation package. He then addressed Councilmember Shingleton and stated that he is on record at a recent cottage meeting as having stated that he was forced to take at least portion of the City’s benefit package offered at the time of his appointment. He stated he is aware that the benefits package is offered to elected officials, but it is not forced upon them. He asked how it is possible that Councilmember Shingleton was forced to take the City’s benefits. He stated a follow-up to that question would also be directed to Councilmember Shingleton and he asked if Councilmember Shingleton was also forced to vote along with Councilmembers Hammond and Peterson in favor of retaining the benefits package for elected officials or if his vote was cast in reflection of his own personal feelings.

TJ Jensen, 3242 S. 1000 W., stated he has recently been talking to some of the Councilmembers on the side; the Council just went through the process of considering a tax increase and the citizens opposed any such tax increase. He stated that having attended most of the City Council meetings he is aware that the Council is doing everything they can to balance the City’s budget. He then stated that he heard that Community Development Director LaBonty has submitted his resignation to the City and he wanted to take this opportunity to thank Mr. LaBonty for his service and say that he is the guy that he would want working for the City when development begins to pick up again. He then stated that sales tax revenue continues to decrease; he knows that the City is doing everything they can by cutting everything possible and by not filling two vacant Department Head positions, but he thinks there is still some money available in the budget and that further reductions can be made. He then stated, however, that he did not think it would be possible to balance the fiscal year 2010 budget by making reductions; therefore, now is the time to look at employees and possibly implement a pay cut around Christmas-time. He stated that he would stipulate that whatever reduction is made that it be directly tied to sales tax figures. He stated that employees need to understand that pay cuts are a result of tough times and that the City is not trying to pick on anyone. He stated that the bottom line is that he does not think it will be possible to balance the budget for the next fiscal year. He stated he would recommend waiting to implement the pay cut until after Christmas so that employees can have a nice holiday season, but that the City start discussing the pay cut now rather than waiting until January when things are very tight.

Jamie Nagle, 773 W. 2400 S., stated that she would also like to talk about the benefits that the Council and Mayor receive. She stated that she was in attendance the night the Council made the decision to not increase taxes. She stated she felt that was the right decision, but she also knows that the Councilmembers that voted against raising taxes were the same people that voted to make sure that elected officials would be able to keep their benefits. She stated some of the comments that Councilmembers made that night included comments like “there is still some room to sharpen the pencil” or “tighten the belt” of the City. She stated she would challenge the Governing Body members to ‘tighten their belts’. She added that she would challenge Councilmember Shingleton individually; at the Meet the Candidates event he said that if this issue were ever brought up again he would vote against giving benefits to elected officials. She added that during a recent Council meeting Councilmember Hammond stated that service should be a privilege when the Planning Commission compensation issue was put to a vote of the Council. She stated that if that is the case she would ask Councilmember Hammond why he deserves

more compensation than he feels Planning Commissioners deserve. She stated she would challenge the Council to add to the next agenda, with due haste, an item to consider the elimination of health benefits for elected officials. She stated she agreed that there is still room to 'sharpen the pencil' and 'tighten the belt' of the City. She stated that starts with the Council and the Mayor; if they want the citizens to do those things the Governing Body needs to be willing to do it as well.

Dan Yeaman, 1386 S. 2375 W., approached the Council. Councilmember Knight stated that he talked to Mr. Yeaman before tonight's meeting and he wanted to correct some of the comments he made to Mr. Yeaman. He stated there are still a couple of City employees that are receiving tuition aid and there is a one-year commitment clause in the City's policy regarding tuition aid. He stated he wanted to apologize to Mr. Yeaman for giving him the incorrect information prior to tonight's meeting. Mr. Yeaman stated that he appreciated Councilmember Knight correcting his comments. He then stated that having talked to Councilmember Knight about item eight on tonight's agenda he wanted to add his input. He stated that the City should increase to employment commitment time period from one year to two years and encourage employees to sign contracts regarding the tuition reimbursement they receive and the amount of time they must work for the City to avoid repaying their tuition costs. He stated that he is a proponent for education benefits; he likes to see people achieve higher education, but he does not want to see Syracuse be a stepping stone for other agencies. He stated that employees may get their education while working for Syracuse and then go to work for another entity for higher wages. He stated that he would suggest the City draft a legally binding contract to require employees to reimburse the City any money they received in tuition aid if the employee does not work for the City for at least two years after receiving tuition aid.

4. Councilmember Reports

Councilmember Peterson stated he had nothing to report.

Councilmember Clark stated that during tonight's work session meeting he reported to the Council about the construction of a recycling center at the landfill. He stated that the project is in the bid phase of the project and it will still be some time before it is completed, but once it is completed it will provide a benefit to the area. He stated they will receive cardboard, glass, plastic, and newspaper at the center and recyclable materials will be bundled together and sent to the recycling center in Salt Lake City.

Councilmember Knight reported that last week the Syracuse Police participated in a driving under the influence (DUI) roadblock on Antelope Drive. He stated that he stopped and visited with the Police Officers and he felt they did a very good job and they are to be commended for it. He stated that it was interesting to stand there and see that people had a positive attitude about being stopped. He then reported that due to the fact that Mr. LaBonty is resigning the Architectural Review Committee (ARC) has asked Robert Whiteley to serve as the acting chairman until a new person can be appointed to Mr. LaBonty's position. He then reported that he attended the Utah League of Cities and Towns (ULCT) meeting today and they discussed resolutions that could be presented to the ULCT shortly. He stated that one of the issues to be discussed is the solvency of the Utah Retirement System (URS). He stated a resolution regarding the URS has been drafted and it does not change the length of time that a public employee must serve before being eligible for retirement, but it does change the contribution levels thus putting a greater burden on employees enrolled in the system. He stated that the contribution cap for cities would be 11.66 percent of an employee's salary. He stated that the Legislature has been considering several options relative to the URS and one of those options was to discontinue the program altogether; this resolution somewhat smoothes out a lot of the issues and gives the legislature some options. He stated that there will be a greater financial burden placed on cities and possibly employees alike.

Councilmember Hammond stated that he is a member of the Syracuse High School Community Council and they recently had the opportunity to see the school's fight song and alma mater and he provided a copy of both to the City Recorder to be included in the official record of this meeting as follows:

Syracuse High Fight Song

We hail the blue and green of Syracuse.
To best our foes our fans will ever choose.
Our teams will always strive to reach the best inside,
On to Victory!
We know our teams they will fight valiantly
With sword and shield we will make history
We look to glory days, as Titans banners wave,
All hail Syracuse!

Syracuse Alma Mater

Within these walls we Titans strong
Learn wisdom, knowledge, truth.

Of Syracuse we proudly sing,
The High School of our youth.
These years we'll long remember.
Our friendships will endure.
With courage, strength, and loyalty
We're Titans strong and sure,
With courage, strength, and loyalty
We're Titans strong and sure!

As Titans in the world we go
To build and work and live.
Through trials is our patience forged,
We now go forth and give.
We're marching toward the future,
Our sword and shield we bare!
Now arm in arm we proudly go,
Our Titan strength we'll share,
Now arm in arm we proudly go,
Our Titan strength we'll share!

Councilmember Hammond then reported that the high school will be participating in a series of upcoming homecoming events; there will be a parade on September 24, the homecoming football game on September 25, and the homecoming dance on September 26. He stated that the school will have a float in the parade, which will be a first. He then reported that the Council talked for a moment in tonight's work session about Antelope Island and how there are many events that take place there and it would be valuable to accentuate input from Syracuse for those events. He stated that he would also like to turn some attention on Black Island Farms and the corn maze they will be offering this year. He stated they are using the Twilight theme for the event this year and there was much information about the maze in the Deseret News. He stated that Black Island Farms hosts quite an event that attracts a number of people and it is beneficial to the City as well. He then stated that he would like to thank Mr. LaBonty for his efforts as the Community Development Director. He stated Mr. LaBonty has done an outstanding job with the many things he accomplished for the City in the short time he has worked here. He then reported that he attended the Little Caesars grand opening event and the managers of the restaurant are excited to be here. He stated that while he was at the event he talked to a representative of the Weber/Davis Tourism Bureau and they felt that more could be done to promote Syracuse to visitors. He then stated that he received a call from a citizen that was stopped during the DUI roadblock and the citizen told him that the Police Department did a wonderful job and he would like to recognize their efforts.

Councilmember Shingleton stated that he would like to thank the Youth Council for sponsoring and organizing the Meet the Candidates event; the event was wonderful. He stated he would also like to thank Mr. LaBonty for his service to the City.

5. Mayor Report

Mayor Panucci reported that he has been in contact with the City's lobbyist in Washington D.C. and it looks like the City has a good shot at getting grant funding for water line projects; the City has asked for over \$2 million in funding. He stated he will not have a definite answer about the potential funding until October, but he is excited about the information he received from the lobbyist. He stated the number one water line project in the City would be the replacement of the secondary water line running from Jensen Park to the roundabout at 2700 South and 2000 West. He stated that if the line can be upsized to a 10 or 12 inch line that would be very beneficial to the City. He stated the Federal Government has changed the funding mechanism for those types of projects; in the past the City has applied for STAG money, but the money that could potentially be awarded to the City would come from a different funding source. He stated that the City would be required to contribute less matching funds while being eligible for more money.

6a. Approve utility billing write-offs.

Periodically it is necessary to write off utility billings for those that have filed bankruptcy, have left town with no forwarding address, or are otherwise unreachable. The amounts of their outstanding utility bills are too small to send to collections. The following individuals have filed bankruptcy:

- Christopher Seegmiller 03-18-09 \$104.54

• Raelyn Musgrave		\$109.12
• Charles Swann	08-26-09	\$240.48
• Brett Ford		\$149.75
• Sharon Hunter		\$201.16
• Jarrad Rawlings	10-10-08	\$224.10
• Shawn Watkins		\$289.85
• Wesley Oaks	09-01-08	\$383.36
• Randy Cook	<u>05-04-09</u>	<u>\$202.75</u>
	TOTAL	\$1,905.11

The following individual can not be collected from because the statute of limitations has expired:

• Bill Gary	12-12-02	\$123.16
• Libert Jarvis	06-01-03	\$147.28
• PGI Management	02-01-08	\$11.68
• Tom Phelan	08-01-01	\$256.11
• Melody Polo	05-01-03	\$22.95
• Velda Stewart	<u>12-07-98</u>	<u>\$93.09</u>
	TOTAL	\$654.27

The proposed total write off amount is \$2,559.38

COUNCILMEMBER CLARK MADE A MOTION TO APPROVE UTILITY BILLING WRITE-OFFS TOTALING \$2,559.38. COUNCILMEMBER KNIGHT SECONDED THE MOTION; ALL VOTED IN FAVOR.

7. Review draft Request for Proposal (RFP) for Human Resources services.

Mr. Worthen reported that the document that he provided to the Governing Body is a preliminary draft of the RFP to be released for HR services needed by the City. He stated that he has found a few typographical errors in the document and Councilmember Peterson recommended during tonight’s work session that the document clarify that the City does not need payroll management services. He stated that besides those changes he is looking for input from the Council. He stated the consultant selection process would be handled by a committee made up of Governing Body members and staff.

Councilmember Knight stated the City’s previous Human Resources Director was responsible for risk management in addition to HR. He asked if that will be handled by an outsourcing company. Mr. Worthen stated that the City’s Public Works Department is handling most risk management duties and the Utah Local Governments Trust (ULGT) performs an annual risk management assessment for the City. He stated the ULGT is always available for the City’s use. Councilmember Knight asked Mr. Worthen if he accompanies the ULGT on their assessment of the City, to which Mr. Worthen answered yes.

Mayor Panucci stated that on item five of the RFP there is a typo in the numbering. He then asked that another request be added to that list as ‘1: a list of government entities that the service provider may already be working with’.

Councilmember Peterson stated he would like to know how much the service provider is willing to be onsite at the City offices. Mayor Panucci stated it may be difficult for the service provider to provide that information until they meet with the City to determine exactly what the City is asking for. Councilmember Peterson stated he would simply like to know if the cost being provided by the contractor includes a defined number of days that they would plan to be onsite. Councilmember Clark stated that he would like that information as well.

Councilmember Clark stated that he would like for the word ‘timely’ to be added to section three to dictate that the work to be provided by the contractor needs to be provided in a timely manner. Councilmember Peterson stated he would like to also know the hours of the day that the contractor would be available to the City. Councilmember Clark agreed with that request and stated he would like to know the average response time of the contractor. Mayor Panucci stated that most of these questions should be asked during the interviews of the companies that submit proposals. Councilmember Clark stated that he would like to provide this information in the RFP so that those responding can expect to answer these types of questions in an interview.

Mayor Panucci then stated that he thought the RFP looked good and could be sent to potential service providers. Mr. Worthen stated the schedule included with the RFP may change due to some delays in some steps in the process. Mayor Panucci reminded the Council that the interview committee will be made up of himself, Councilmembers Clark and Hammond, and some members of the Administration.

8. Review City employee college education reimbursement policy.

Mayor Panucci stated that the City's current policy states that an employee must perform one year of service before a voluntary leave of employment to prevent the need to repay the City any money they received for tuition reimbursement. He stated Mr. Yeaman made a good suggestion earlier in the meeting to amend the policy to require two years of service rather than one year of service. He stated that in some cases the City spends quite a bit of money on employee tuition and it is not too much to ask to require the employee to work for the City for at least two years after finishing school. Councilmember Clark agreed and added that he would like to understand what other municipalities are doing to ensure that the City is being competitive. Mayor Panucci stated he doubted that an applicant would consider the tuition reimbursement policy when comparing employment options for two different municipalities.

Councilmember Knight stated that the City needs to consider the amount of funding that is available for tuition reimbursement. He stated that he is also not opposed to a two year commitment requirement from an employee. He stated that he did not think that any employment that has received tuition assistance from the City has left their employment with the City, but this is a good policy. He stated the City's employees are committed and it should not be too hard for them to adhere to this policy. Mayor Panucci asked Mr. Yeaman if the commitment term at Davis County is two years. Mr. Yeaman stated that the term is two years, but the amount due from the employee could be prorated according to the amount of time they have served after receiving tuition aid. Councilmember Peterson stated he is in agreement with amending the policy and requiring a two year time commitment. Councilmember Hammond stated he concurred as well.

Councilmember Knight stated he would like to contact other cities and Davis County to get a copy of their policy. Mr. Worthen stated he would send a request to other City Administrators asking for information about their policies regarding tuition aid.

Councilmember Hammond stated that on page three, paragraph 'd' – repayment – he would like to add the statement 'completion of course' and a reference to paragraph 16.05(c) to refer anyone reading the policy to the section regarding passing grades.

Councilmember Knight stated that item 'f' on page 98 does not stipulate a commitment period while page 99 does. He stated he would like the two year period to be stipulated on both pages. He stated this might help to eliminate any confusion.

Mayor Panucci stated that he would recommend amending the policy to memorialize the changes recommended by the Council. Councilmember Knight stated he would like to see a graduated scale relative to prorating the reimbursement amount for an employee that has not served the full two year period, but has served some time after finishing school. He stated he would be concerned about requiring someone in a dire situation, such as someone that is being forced to move out of the area, to repay tuition provided by the City.

9. City Administrator Report.

Mr. Worthen stated that he discussed with the Council during tonight's work session a possible amendment to the watering schedule to be implemented in the spring of 2010. He stated that he and the Public Works Director are still evaluating the idea pending the replacement of the secondary water line on Bluff Road from Jensen Park to the roundabout. He stated that if funding is not made available to the City in a timely fashion the watering schedule may be amended. He then reported that the 2700 South road and water line project will begin in spring of 2010 rather than this fall. He added that the City has received bids for the safety sidewalk project to be completed on Antelope Drive near the new Buffalo Point Elementary School; work will begin soon after the Utah Department of Transportation (UDOT) accepts the low bid. He stated the sidewalk will be 800 feet long.

Mayor Panucci then asked how long 2700 South will be under construction. Mr. Worthen stated that it depends on who is awarded the contract; if work on the waterline and the roadway can be completed simultaneously the project should only take five or six weeks. Mayor Panucci stated that given that time span he would recommend the City meet with RC Willey to determine the best work schedule that will cause the least problems for them. Mr. Worthen stated the City will do whatever they can to lessen the impact on RC Willey.

Mr. Worthen then reported that the work at 3000 West is ongoing; the contractor is beginning to lay sidewalk on the east side of 3000 West. He stated that they are still working through some issues with UDOT regarding the east-bound turn lane from 3000 West onto Antelope Drive. Councilmember Knight asked if the school is agreeable to installing a center turn lane in front of the school, to which Mr. Worthen answered yes. He added that they have submitted a request for a traffic signal warrant study to be conducted at the intersection and the outcome of that study could change the entire project. He stated that his hope is that the intersection does warrant a traffic signal.

10. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205(1)(a) 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 HAMMOND MOVED THE COUNCIL ADJOURN INTO A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205(1)(a) FOR THE PURPOSE OF DISCUSSING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN IDIVIDUAL. COUNCILMEMBER CLARK SECONDED THE MOTION, WITH THE FOLLOWING ROLL CALL VOTE: VOTING "AYE" – COUNCILMEMBERS CLARK, HAMMOND, KNIGHT, PETERSON, SHINGLETON AND MAYOR PANUCCI. VOTING "NO" – NONE.

The meeting adjourned into Closed Executive Session at 7:53 p.m.

The meeting reconvened at 9:29 p.m.

At 9:29 p.m. COUNCILMEMBER CLARK MADE A MOTION TO ADJOURN. COUNCILMEMBER KNIGHT SECONDED THE MOTION; ALL VOTED IN FAVOR.

Fred Panucci
Mayor

Cassie Z. Brown, CMC
City Recorder

Date approved: September 22, 2009