

Minutes of the Work Session meeting of the Syracuse City Council held on January 10, 2012, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

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

City Employees Present:

Police Chief Brian Wallace  
Finance Director Steve Marshall  
City Attorney Will Carlson  
Community Development Director Michael Eggett  
City Planner Kent Andersen  
Police Detective Corey Rowley

The purpose of the Work Session was for the Governing Body to review agenda for Special Council Meeting to begin at 7:00 p.m., receive a presentation from Finance Director Marshall regarding utility billing, receive a presentation from IT Director Peace regarding improving communications at a reduced cost, discuss idea to create an "Award for Excellence" program, review and discuss City Council Standards and Norms document, discuss the potential appointment of Councilmembers to various committee positions and assignments, and discuss Council Business.

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Presentation from Finance Director Marshall regarding utility billing

Mr. Marshall stated this topic arose as a result of an employee incentive program application from two of the City's utility employees. He stated they found that the majority of cities in the area charge a late fee on past due utility billing amounts, but Syracuse City does not do the same. He explained that the City currently has 6,651 households and 116 businesses for a total of 1,677 utility customers that receive a bill from the City each month. He stated that last month 619, or 9.3 percent, of those accounts were one month past due and 274, or 4.1 percent, were two months past due. He reiterated that Syracuse City currently does not charge a late fee for past due amounts. He stated staff conducted research to determine the late fee policies and amounts charged in seven other cities: Clinton, Layton, Clearfield, Sunset, Ogden, West Point, and Roy. He stated that Clinton charges a \$3.00 late fee; Layton charges a \$5.00 late fee; Clearfield and Sunset charge a \$10.00 late fee; Ogden and West Point charge a \$15.00 late fee; and Roy charges a \$25.00 late fee. He stated that means the average late fee charged by the seven cities is \$11.86. He stated staff plans to move forward with adding a \$10.00 late fee to all utility accounts not paid in full on the due date. He stated a 10-day grace period will be established and the late fee will not be added to the account until the fifth day of the following month. He stated there is already a \$10.00 late fee included in the City's Consolidated Fee Schedule, but the fee was not being enforced up to this point in time. He stated that based on the current number of utility accounts that are past due the City could generate significant revenue totaling \$8,930 per month or \$107,160 per year. He stated he would anticipate a reduction in the number of accounts that are past due once the late fee is implemented. He stated this will reduce the amount of time and resources spent by staff tracking past due accounts. He stated the overall goal is to help to encourage people to pay their bills on time.

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Councilmember Shingleton asked what the experience has been in cities that have implemented a late fee. Mr. Rice explained that one of the cities that staff spoke to reported that the number of delinquent accounts reduced by nearly half soon after the implementation of a late fee.

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Councilmember Peterson asked what has happened in cities where they began charging a late fee after not initially charging one. Mr. Marshall stated that the number of delinquent accounts each month was decreased by nearly half.

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Councilmember Kimmel inquired as to the current process employed by staff when a utility customer is late in

making their payment. He asked if they receive a follow-up letter or phone call to remind them they are late. Mr. Marshall stated that the current practice is to simply send the next month's bill showing that their previous months balance is unpaid and past due. He stated that once a customer is two months past due in making a payment they are placed on the "shut-off list" and they receive a notice informing them of that. Councilmember Kimmel asked how many customers get their water shut off each month, which then forces them to pay for reconnection. Mr. Marshall stated that there are usually 35 to 50 customers that have their water shut off each month. He explained that first time offenders must pay a \$35 fee to get their water turned back on while repeat offenders are charged a \$50 reconnection fee.

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Mayor Nagle stated that when this issue was raised it reminded her of the situation the City dealt with a couple of months ago when it was brought to staff's attention that several builders in the area are delinquent in paying their property taxes. She stated they were essentially using the City as an interest free lender and she feels that past due utility customers are basically doing the same thing. She stated that staff's focus is on accountability. She added that she is hoping to see a proposed piece of legislation in the upcoming legislative session that will put some of that accountability back on the builders that are delinquent in paying their property taxes.

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Councilmember Lisonbee asked where the revenue generated by the late fee would be deposited. Mr. Marshall stated that it would be deposited into the City's water utility fund. Councilmember Lisonbee asked if that is required by law. Mr. Marshall stated that he is not sure if that is legally required and he would be happy to see if the City would legally be allowed to deposit the money into the City's general fund instead. Mr. Rice added that it is common to move money from the utility fund to the general fund to offset salaries of the employees that service the utility department and it may be possible to increase the internal service allocation currently being charged to the utility fund.

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Mr. Marshall then reported the plan is to apply late fees to bills that are due January 25, meaning the late fee would be assessed on February 5 for all delinquent accounts. He stated the citizens have been informed of the change via an article in the City's newsletter as well as an announcement on the December and January utility billing statements that were delivered to all customers. He added that the Administration is planning to hire a temporary intern that will call each household in the City to encourage customers to sign up for Express Bill Pay, which will allow customers to receive their bill via email and to have their payment automatically deducted from their banking account. Mr. Rice added that the long term goal is set up a billing system similar to the other large utility billing customers in the area. He stated that he is not sure if the City will ever get 100 percent of the customers to subscribe to that system, but that is his goal.

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Councilmember Lisonbee asked if there is any policy in place that would allow for a citizen that is experiencing hardship to receive some sort of waiver of the late fee. Mr. Marshall stated staff could look into that; the City currently works with customers that are on the shut-off list for the first time, but the City would likely not work with customers that are on the shut-off list on a recurring basis. Mayor Nagle added there is a State program called HEAT assistance and the City could refer customers to that program. She stated that it helps provide subsidies and help to people to avoid having their utilities shut-off. She then stated she feels this is a move in the right direction. She stated that the staff was so nervous when the former Utility Manager, Janice Lansing, left her employment with the City because she took so much institutional knowledge with her, but a fresh set of eyes in that position has provided a new perspective and some innovation. She stated she thinks this is great.

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Presentation from IT Director TJ Peace regarding improving communications at a reduced cost.

Mr. Peace explained the City has been using T-Mobile as the wireless carrier, but he was recently approached by Verizon and Sprint about new pricing options; Verizon's original bid was very high, but Sprint provided some good pricing. He stated that there are some obstacles the City must deal with relative to the types of phones City employees can use and he highlighted some of those obstacles and solutions. He concluded that Sprint offered a \$9,000 credit and there will be no cost for hardware. He stated the City's T-Mobile bill averages \$2,400 per month, plus \$959 per month for air cards for a total of \$3,359. He stated that according to Sprint's proposal the City will only pay \$2,500 per month for a savings of \$860 per month.

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Councilmember Kimmel asked if these are introductory rates that will increase through the life of the contract. Mr. Peace stated some of it is introductory, but the City cannot be held to a contract for these services and if prices are increased the City will find another carrier.

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Councilmember Shingleton asked how many phones the City provides. Mr. Peace stated there are a total of 89 devices between air cards and cell phones. Councilmember Shingleton asked why that many devices are necessary. Mr. Peace stated that Police Officers have cell phones, but they still need data service in their vehicles for their laptops, so the City provides them with air cards. Mayor Nagle added that Police Officers are required to have cell phones because they are not permitted to communicate medical information over Police scanners because of HIPPA laws.

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Mr. Peace stated the bottom line is that he anticipates a savings of \$10,000 per year. Councilmember Kimmel clarified that is for one year. Mr. Peace agreed. Councilmember Shingleton stated the interesting thing is that costs traditionally decreased, but recently they have increased. Mr. Peace stated that is especially true for data service.

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Councilmember Lisonbee stated Mr. Peace's PowerPoint presentation notes that one reason to switch carriers is to get improved customer service and she asked if there were issues with the previous carrier. Mr. Peace stated that he has always had a very hard time reaching T-Mobile customer service representatives. Mr. Rice added that both Sprint representatives live locally and they have been very responsive to issues the City is dealing with.

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Mayor Nagle inquired as to the rotation for mobile devices for employees. Mr. Peace stated he currently does not have a rotation schedule in place and most employees use a phone until it is no longer usable.

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Councilmember Kimmel asked when the transition will take place. Mr. Peace stated it has already been done. Mayor Nagle stated that staff wanted to inform the Council of the cost savings.

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#### Discussion regarding the Award for Excellence

A staff memo from the Community Development Department the City wishes to work towards recognizing citizens who strive for excellence in either athletics, academics, arts or community service. To that end, in an effort to recognize students at Syracuse High, Clearfield High, as well as other schools in our City and individuals residing in the City, Mayor Jamie Nagle and City Manager Robert Rice has asked staff to develop a recognition program to promote pride and unity within our community. In conjunction with Jeff Gibson, staff would like to present the "Syracuse City & Wendy's Award for Excellence." In order to recognize outstanding students and athletes in Syracuse, the Community and Economic Development Department have developed the "Syracuse City and Wendy's Award for Excellence" award process. This monthly award, given in alternating months (e.g. January athlete, February scholar/community/art, March athlete, etc.), recognizes the outstanding performance of a male and female who excel in athletics, arts and/or academics. The individuals selected for this award will be identified by Syracuse City in partnership with representatives from the city recreation department, local elementary, junior high, and high schools. Once selected, an individual will:

- Receive a certificate and be recognized at the first City Council meeting of each month
- Have their picture put up in City Hall
- Have a write up in the City Newsletter, Facebook, Twitter, and website
- Be featured on the Wendy's product TV
- Receive \$10 gift certificate to Wendy's

The Community & Economic Development Department hereby requests Mayor and City Council support of the proposed "Syracuse City & Wendy's Award for Excellence."

City Planner Kent Andersen summarized his staff memo.

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Councilmember Johnson stated Wendy's already provides an award for local athletes. Mayor Nagle stated that is correct and this is simply an expansion of that program. She added that the reason she wanted to promote this program is because of the division in the community between the students that attend Clearfield High School and the students that attend Syracuse High School. She stated the Clearfield High students feel like they are not recognized by anyone in Syracuse City.

She stated students from Syracuse feed into two high schools and she wants to make sure to recognize that. Mr. Andersen added that if the program is approved school employees can offer suggestions for those that should receive the award.

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Councilmember Peterson stated he would like to see some sort of schedule that identifies what school would be highlighted each month. He stated that he does not think that athletes should dominate the award; maybe there could be an athlete in the fall, winter, and spring, but not every other month. Mr. Andersen added that there was also a suggestion to recognize youth in the City's recreation program. Councilmember Peterson stated that is a good idea.

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Councilmember Shingleton wondered if the youth's pictures should be displayed at City Hall or the Community Center. He stated the exposure at the Community Center is much greater. All agreed.

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Councilmember Kimmel asked if staff has developed criteria for selecting a winner. Mr. Andersen stated nothing has been developed to this point. He stated there are hundreds of kids that will be deserving of this award each month and he likes the idea of selecting a student from a different school each month. Councilmember Kimmel asked who will do the selection. Mr. Andersen stated it will be done internally with assistance from the school and the Police Department. Councilmember Shingleton suggested getting the Public Works Department involved because they work with so many Boy Scouts.

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Former Councilmember Clark suggested that the City pick one student per month; staff could call the school and ask if they want to nominate someone and that may take up the 12 months of the year. Councilmember Shingleton stated that may not encompass volunteers; there are youth that participate in many other community programs that the school may not know about. Councilmember Peterson stated there are nine or 10 schools and that would leave two extra months to honor youth volunteers.

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A resident, no name given, stated the City could add a form to the webpage to give people the opportunity to nominate youth that they come in contact with. He stated they may be doing service that the City would have no way of being aware of. Mr. Andersen stated that is a great suggestion. Councilmember Lisonbee added that there may be youth that the school would not pick as an academic achiever, but that youth may have shown a huge increase in their level of competency or performance and they could be nominated by a family member.

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Mayor Nagle stated she thinks staff has taken a great approach to the program and she thinks the program will be positive though there may be some kinks to work out.

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#### Review and discussion of the City Council Standards and Norms

A staff memo from the City Recorder explained that on January 4, 2012 Councilmembers Lisonbee and Shingleton asked her to add an item to the work session agenda to give the Council an opportunity to review and discuss the City Council norms document that was adopted via resolution by the City Council in 2007. The resolution was provided to each Councilmember. At this time I feel it may be appropriate to consider voiding the norms document due to the fact that the Council recently adopted the rewritten version of Title Two of the City Code as well as adopted a set of rules and order of procedure to govern public meetings. I believe that most of the topics included in the norms document are covered in the other two documents that I referenced.

Councilmember Shingleton explained why he asked for this item to be added to the agenda. Ms. Brown summarized her staff memo and reiterated that most of the items listed in the norms document are already included in other City documents.

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Council briefly discussed the issue. Councilmember Peterson stated he is comfortable rescinding the norms document. Mayor Nagle stated she thinks there will be more things like this as the City goes through recodification of the City Code.

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Councilmember Lisonbee stated that she received an email from the Mayor about adding items to the agenda, but the language used in the email was not from the norms document. She added that she conducted some research on the

internet and her understanding is that two Councilmembers can place an item on the agenda and staff is simply doing their duty by placing that item on the agenda and it is not necessary to get permission from any elected official or staff member. Councilmember Johnson stated Title Two states that a written agenda shall be prepared by the City Manager or his designee and that the Mayor or two members of the City Council may add an item to the agenda. Mayor Nagle stated in her email she was simply asking for a professional courtesy as the head of the Governing Body. She stated that Councilmembers Lisonbee and Shingleton were not willing to tell her what they wanted to talk about. She stated that she has never not added an item to the agenda that the Council has requested, even if it is something that she does not agree with. She stated that if someone wants something on the agenda. . .she is responsible to conduct the meetings, which is in City Code, and she would think that the Council could extend her the courtesy of letting her know about items they would like to add. She stated if not, she would like for the Council to at least inform Mr. Rice of their request. She stated that there are new members on the City Council and she wants to get off on the right foot without adversarial issues. She stated that before she sent her email to Councilmember Lisonbee, she sent an email to all the Davis County Mayors to see how they handled this type of issue and not one of them said that any of their Councilmembers add items to the agenda without consulting with them first. She stated she wanted to make sure that she was not trying to overstep, but she is the head of the Governing Body and it is her duty to run the meetings. She stated in order to do that she should know what is on the agenda so she can guide the agenda. Councilmember Lisonbee stated she is not arguing that point, but she too did some research and talked to other Councilmembers and they do not go through the Mayor to add items to the agenda. She stated they can let their Mayor know about items or not because it is not a requirement to let the Mayor know. She stated that while she is emailing Ms. Brown to add an item to the agenda she can copy the Mayor on that email and she would be happy to do that. She stated she simply wanted to clarify what the permissions are.

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Ms. Brown stated that she wanted to offer some information on the internal policy of the City relative to creating Council agendas. She stated that every Wednesday morning all Department Heads meet in a staff meeting during which the draft agenda for the next Council meeting is reviewed. She stated she provides Mr. Rice with information about any requests to add items to the agenda and then she sends the agenda to the Mayor on Wednesday afternoon for approval. She stated the Mayor sees all items that have been added and she typically has questions about various items. Councilmember Shingleton asked if he and Councilmember Lisonbee were incorrect in sending an email to Ms. Brown about adding an item to the agenda. He stated that is the process that has been used in the past. Ms. Brown stated that the City Code reads that the request will be submitted to the City Manager. She stated she has always been the City Manager's designee relative to creating Council agendas.

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Resident TJ Jensen asked if two Councilmembers copying the Mayor on an email sent to City staff would be a meeting due to a quorum participating in the communication. Ms. Brown answered no and explained the Mayor and two Councilmembers does not constitute a quorum.

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Councilmember Lisonbee asked what would happen if the Council were to add an item to the agenda that requires extra work or background research. She asked if it would be up to the requesting Councilmembers to provide that background information. Ms. Brown stated it would be very helpful if the Councilmembers could provide information about the intent of the item. She stated when staff is preparing a packet they try to include as much information possible about every item on the agenda and it would be helpful if the requesting Councilmembers could provide a memo or explanation to support the item. She stated that is required of staff or any resident adding an item to the agenda. Mr. Rice added that he will not let an item on the agenda unless it has been vetted by the staff. Ms. Brown added that she would like the Council to keep in mind the schedule that staff uses to finalize an agenda. She stated that she tries to have an agenda finalized by the Wednesday before the meeting and she would appreciate having any information approximately 72 hours before that day. Councilmember Shingleton stated it is good to get this educational information. Ms. Brown added that she is hoping to put together an agenda for the next extended work session with several agenda items regarding training opportunities for the Council. She stated it would have been best to review all of this information at the same time. Councilmember Kimmel stated there will always be items that arise that are urgent and it is not possible to push it to a later agenda. Ms. Brown and Mr. Rice acknowledged that is true and urgent items will be dealt with accordingly. Ms. Brown reiterated it would be nice for the Council to give her a couple of days notice about an item they would like added to an agenda rather than sending it to her the day that agenda are being finalized. Councilmember Kimmel stated that would give staff enough time to ask questions about the intent of the item.

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Councilmember Peterson stated he sees very few reasons that an item would need to be added to the agenda via email from a Councilmember. He asked why the requesting Councilmember cannot simply raise the issue during the next work session and ask the Council about adding it to the next agenda. Mayor Nagle added that in this instance if the Councilmembers had called her she could have solved this situation very easily by reporting that a comprehensive training session is scheduled for the next extended work session. She stated she is simply asking for the courtesy of a phone call moving forward. She stated she does not think that is too much to ask and she will extend the same courtesy to the Council.

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Discussion regarding appointing City Councilmembers to various committee positions and assignments

A staff memo from the City Recorder explained that at the beginning of each calendar year past Councils have reviewed the lists of appointments and assignments and made changes according to recent election results or other determining factors. I have included the most current list of assignments as well as a proposed resolution including the list of assignments with blanks to be filled in. It is my hope that the Governing Body can determine what appointments and assignments should be made so that a resolution can be adopted in the business meeting to formalize the direction given during the work session. Also, the City has the opportunity to appoint one of its members to serve on the Wasatch Integrated Waste Management District (WIWMD) Administrative Control Board. Past-Councilmember Clark was appointed to this position until his term on the Council expired on January 2, 2012. The WIWMD Board will have its first meeting of 2012 at the beginning of February and they have asked that the Council appoint one of its members before that date. The WIWMD Board meets the first Wednesday of the month at 5:00 p.m. at its offices located at 1997 E. 3500 N. in Layton.

Ms. Brown reviewed her staff memo and there was discussion about the meeting schedule for the WIWMD.

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Mayor Nagle stated she would like to be appointed to the WIWMD Board position. She stated that with the money that she would earn from that position she would like to create a scholarship fund to be used at the Community Center for youth that cannot afford to participate in recreation programs. Councilmember Peterson stated he is comfortable with that. Councilmember Shingleton stated he cannot attend daytime meetings. Councilmember Lisonbee stated that she is willing to accept the assignment unless someone else has a stronger desire. She stated she likes the idea of creating the scholarship fund.

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There was a brief discussion among Council and staff regarding the North Davis Sewer District appointment.

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The Council then reviewed the list of Council assignments and determined which Councilmembers would be appointed to the various positions.

The meeting adjourned at 6:55 p.m.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: November 13, 2012