

Minutes of the Joint Work Session meeting of the Syracuse City Council and Planning Commission held on January 22, 2013, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan  
Craig A. Johnson  
Karianne Lisonbee  
Douglas Peterson  
Larry D. Shingleton

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

Planning Commissioners:  
Tyler Bodrero  
Kenneth Hellewell  
TJ Jensen  
Curt McCuistion  
Gary Pratt  
Dale Rackham

City Employees Present:  
City Attorney Will Carlson  
Community Development Director Michael Eggett  
Parks and Recreation Director Kresta Robinson  
Fire Chief Eric Froerer  
Police Chief Garret Atkin  
Finance Director Steve Marshall  
Public Works Director Robert Whiteley  
Planner Sherrie Christensen  
Planning Administrative Assistant Jenny Schow

Visitors Present:	Gary Pratt	Joe Levi	Terry Palmer
	Dean Rasband	Holly Rasband	Mike Thayne
	Bob Yeaman	Dan Yeaman	Lance Rhodes
	Carter Rhodes		

The purpose of the Work Session was for the Governing Body to hear public comments; receive training regarding Ethics Act and Open and Public Meetings Act from City Attorney Carlson; receive an update on the Police motorcycle grant; discuss AED devices for City buildings; discuss a potential budget opening; discuss the late fee on the City utility bill; have a discussion regarding Councilmember reports; and discuss Council business.

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Public comments

There were no visitors present that wished to make public comments.

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Training regarding Ethics Act and Open and Public Meetings Act from City Attorney Carlson

According to Section 52-4-104 of the Utah State Code, a public body must provide annual training to its members on the requirements of the Open and Public Meetings Act. City Attorney Will Carlson provided this required training, as well as training regarding the Municipal Employees Ethics Act, to all members of the City Council and Planning Commission. A copy of his presentation was included in the Council packet.

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Councilmember Shingleton asked if it has always been a requirement for public officials to disclose any conflict of interest in writing. Mr. Carlson answered yes and noted that this section of the Code was most recently updated in 2012 and he is not certain of what the exact changes were. Councilmember Peterson stated that he remembered filling out a disclosure

form when he was first elected. Mayor Nagle agreed and stated that the Council fills out a disclosure form each year. Mr. Carlson then continued reviewing his presentation.

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Councilmember Duncan stated that there is an item on the agenda for tonight’s special meeting for the Council to consider convening in a closed session; the Council often goes into those meetings ‘blind’ and he asked if there was any way around that. Mr. Carlson stated there are a few options available to the Council. He stated that the City has historically listed all reasons for a Council to convene in a closed session on the agenda for which that vote will be taken. He stated that an alternative would be more specific and provide the actual reason for the closed session. He stated that if the Council does that, they are limited to what they can discuss in the closed session. Councilmember Duncan stated he simply wanted to know if there is a way to give the Council a ‘heads up’ regarding the topic of the meeting. Mayor Nagle stated that any Councilmember can call her and she will be happy to discuss the purpose of the closed session with them. Mr. Carlson stated that he usually knows the reason of closed sessions as well and the Council can call him.

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Planning Commissioner Jensen stated that in the past there have been subcommittees of the Planning Commission created; the subcommittees were made up of citizens and a couple members of the Commission or City Council. He asked if the Open and Public Meetings Act applies to those types of bodies. Mr. Carlson stated that the Act only applies to those types of bodies if they were created by an ordinance or resolution of the Council. Councilmember Duncan stated that would mean that the committee would need to be created by the Council since they are the only body that adopts resolutions. Mr. Carlson stated that is correct. He then stated the Architectural Review Committee and the Arts Council are listed in the City Code, so they are public bodies. He stated a body created through an informal agreement of the Planning Commission or City Council without a resolution or vote that occurs, it is not a public body and the Act does not apply. Planning Commissioner Hellewell added that as long as there is not a quorum of members that make up another body, like the Planning Commission or City Council, no violation will occur. Mr. Carlson stated that is correct; a committee cannot be created that consists of every member of the Planning Commission without constituting a violation of the Act.

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Planning Commissioner Pratt stated that during his review of the section of the Open and Public Meetings Act regarding closed meetings, Mr. Carlson mentioned that the Planning Commission can convene in a closed meeting. He stated that his understanding is that the Planning Commission is not allowed to have a closed meeting. Mr. Carlson stated that any public body is allowed to have a closed meeting for the specific reasons called out in the Act. Commissioner Pratt reiterated that he was under the impression that the Code specifically said that Planning Commissions cannot have a closed meeting. Mr. Carlson stated he believed the bylaws of the Planning Commission do not include a process for the Commission to meet in a closed meeting, but they are not statutorily prohibited from doing that. Commissioner Pratt stated that means that the bylaws say they shouldn’t, but they can. Mr. Carlson used the analogy that the Commission does not have a doorway into the room, but the room is there for them.

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Mayor Nagle thanked Mr. Will for the training and excused the Planning Commissioners from the meeting.

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Update regarding Police motorcycle grant

A staff memo from the Police Chief explained the Department’s motorcycles have been built and are currently in Salt Lake City awaiting installation of equipment. In addition to the motorcycles, we have purchased safety equipment for the riders as well as equipment that will improve our ability to enforce traffic violations within our city. The following table outlines the items purchased, the source of the money, and our outlay of funds.

<b>Item</b>	<b>Quantity</b>	<b>Price Per Unit</b>	<b>Total Cost</b>	<b>Funding Source</b>
BMW Motorcycle	2	\$25,042.60	\$50,085.20	Highway Safety Grant
Radar	2	\$2,395.00	\$4,790.00	Commission on Criminal and Juvenile Justice Grant
Helmet	1	\$322.00	\$322.00	Commission on Criminal and Juvenile Justice Grant
Mobile Video Camera	2	\$4,500.00	\$9,000.00	Beer Tax Funds
<b>Total</b>				<b>\$64,197.20</b>

The Department is working to identify officers who express an interest in riding the motorcycles and who have shown a level of past performance that demonstrates they will successfully implement the program as directed. A committee has been formed to evaluate the Department's uniforms; part of that assignment will be identifying uniforms for the motorcycle officers and decals for the motorcycles. The memo closed with Chief Atkin's statement that he believed this traffic unit will truly be an asset to the Department and that it will play a key role in improving the safety of our community.

Chief Atkin approached the Council and summarized his staff memo.

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Mayor Nagle applauded the Police Department for seeking out grants of this type.

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City Manager Rice noted that a couple of concerns he and the Police Department had were funding for kits to go along with the motorcycles. He stated that they have identified other grant opportunities to finish 'kitting out' the motorcycles. He stated that as a result, the City will not only get the motorcycles, but will also get the specific safety gear to go with it. Chief Atkin added that it will be necessary to come up with a few additional pieces of equipment for safety purposes and he identified some of those pieces of equipment. He stated that ideally there will be two Officers designated to ride the motorcycles and they will each get safety equipment, including their own helmet.

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Mayor Nagle asked when the motorcycles will be operational and introduced into the Police Department's fleet. Chief Atkin stated that he plans to pick them up this Friday and, following the certification process and a few other steps that need to be taken, the motorcycles will be in operation likely at the end of April.

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Councilmember Peterson asked if both motorcycles will be in operation at the same time. Chief Atkin stated that motorcycle officers are not required to ride in tandem. He stated that motorcycles provide increased maneuverability and a sense of increased enforcement. He reviewed some crash statistics for the past year and noted that the number one accident that occurred in the City was a result of a failure to yield. He stated that motorcycles can deter those types of accidents because they can sit on a corner or on a sidewalk and easily access failure to yield offenders. He stated that he will review the most likely times that accidents occur, which are historically Thursdays and Fridays between 2:00 and 8:00 p.m. He stated that he will try to get the motorcycles on the street at those times of day. He stated that the motorcycles will also be used to enforce school crossing laws. He stated they will be seen by different sets of eyes throughout the City on a constant basis. Mr. Rice noted that Chief Atkin has done his homework to determine where traffic enforcement should be concentrated.

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Mayor Nagle asked if the motorcycles will be used year-round. Chief Atkin stated that as long as it is safe for the motorcycles to operate, they will be in operation and the cold weather does not bother them.

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Chief Atkin thanked the Council for the opportunity to discuss this issue and he thanked them for their support.

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#### Discussion regarding AED devices for City buildings

A memo from the Fire Chief explained that recent events have focused attention on the value of and access to early defibrillation for out of hospital cardiac arrest resuscitation. Syracuse City currently does not have any AEDs in public buildings except in the Fire Department as part of response equipment. As a pro-active measure, we propose purchasing and installing Zoll AEDs in the Recreation Center (2), the City Admin Building (2), the Public Works Bldg (1), and the Police Dept (1). These units require little training to use, and in fact can be used with no training other than standard CPR certification. Implementation of this project would provide peace of mind to residents/customers and help Syracuse maintain Standard of Care for the best possible chance of survival for cardiac arrest at our buildings.

Chief Froerer approached the Council and summarized his staff memo. He provided the Council with a flier for the very unit that he is proposing to install in different City buildings. He stated that they are essentially 'dummy proof' and anyone that has been through standard basic CPR training should be able to use it. He stated that even a non-CPR trained individual should be able to use it by being guided by audio and visual prompts. He then reviewed the statistics on the flier pertaining to survivability for people that collapse.

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Mr. Rice stated staff has been talking about this issue since the last budget retreat and recent incidents brought this issue to the forefront and he thought that the upcoming budget opening would be a good time to propose the idea to the Council. He stated the cost is minimal and the AED's will provide a very valuable service. He stated that the Fire Department will take the lead on the training for the devices and all necessary employees will be trained to use them.

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Councilmember Duncan asked where the devices will be located. Chief Froerer stated he thinks there should be two in City Hall, two at the Community Center, one at Public Works, and one at the Police Department.

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Councilmember Peterson asked if there is any research to see how long it takes to locate the device and how fast someone needs the attention of the device after collapsing. He stated he is wondering if there should be more than two devices in the Community Center. Chief Froerer stated that it is not practical to include one device in every room, but when there are multiple levels in a building it is a good idea to include one on each level. He stated that in the Community Center he would recommend installing one upstairs on the track and the other in the lobby area or one of the gyms. He stated that in the City Hall he would recommend installing one in the Council Chambers and one in the reception area. He stated that in the other two buildings he would recommend installing the devices in the reception area.

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Councilmember Johnson stated that he has seen the devices; he is certified in CPR and AED use and if someone is sent to retrieve the device as soon as it is needed, that should be soon enough. Chief Froerer agreed and stated that the CPR process can be started while someone is retrieving the device.

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Councilmember Shingleton relayed a personal experience; he was in a building where a gentleman had a heart attack. He stated there was an AED located in the building, but no one knew where it was and it took them five or six minutes to locate it. He stated that the staff needs to be sure where they are located. Chief Froerer stated there is a three-dimensional sign that sticks out from the wall near the device to identify its location. He stated that anyone that frequents the building in which the device is located should know where it is. Mr. Rice added that all employees will now where the devices are and will be trained to use them.

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Councilmember Peterson stated that about two year ago the Davis School District put one to three of the units in every school and he thinks it is time for the City to do it as well. Councilmember Johnson agreed and stated that he does not even question it. Chief Froerer stated that the Fire Department will ensure that batteries are replaced as needed; the devices are self-diagnostic and give a notification when there is a problem. He stated they are very valuable devices and he thinks this is a good thing.

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Chief Atkin asked Chief Froerer if the City will get a training AED device. Chief Froerer stated that the device comes with a set of training electrodes that will not administer a shock during training. He stated that he will plan to purchase the training tools to be used with one of the machines.

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Mayor Nagle thanked Chief Froerer for the information.

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#### Budget opening discussion

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Mayor Nagle stated that prior to beginning this discussion she wanted to inform the Council that Finance Director Marshall received an award today; he took the initiative to put together a Citizens Financial Report. She stated that Syracuse was the first City in Utah to do that. She stated that Mr. Marshall was recognized by the Association of Government Accountants for his excellent work in setting a new standard for all cities. The Council congratulated Mr. Marshall on the award.

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Mr. Marshall then reviewed the following staff memo that he included in the Council packet:

Each year I perform a mid-year review of our expenses as compared to budget for every account and every fund in the City. I do this to ensure that we will be within budget and to determine if there are new factors that we need to account for in a budget opening. I have included with this agenda item a comprehensive list of proposed changes to the budget titled

“FY2013 Proposed Mid-Year Budget Adjustments”. There are several minor changes to the budget as well as a few significant changes as discussed below:

- Sales Tax Revenue – increase of \$100,000. We continue to see a 7% increase over last year’s numbers and expect sales tax to come in well ahead of our budget of \$2,800,000.
- AED Systems – This will be discussed separately by Chief Froerer. This \$10,000 would cover the cost of purchasing up to 6 AED systems.
- Building & Ground Maintenance – This was the first year we budgeted building maintenance in a separate department. We budgeted for preventive maintenance and some repairs; however, we have had several major repairs to our HVAC system, furnaces, water heaters, etc. that we did not originally plan for. We also had some costs with bringing in the tenant on the east side of city hall. This request of \$20,000 will go to repairs we were not anticipating in our original budget.
- Capital Projects – Ranchettes and Police Department re-roof – We originally budgeted \$73,470 to improve Ranchettes Park. Our bid came in at \$140,000. This proposed budget increase of \$66,530 would increase our total budget to the \$140,000. The City has also had a leaky roof at our police station for the past 2 years. Our initial estimate to fix the roof is approximately \$50,000. We are proposing using the capital improvement fund. We are estimating that franchise taxes will be high enough to cover the expense.
- Class C Roads – We are proposing that we use the increase revenues from the Class C road fund allotment to purchase extra salt that can be used on the side streets and cul-de-sacs in our City. This would help with snow melt and removal.
- Culinary Water System Maintenance – System maintenance costs are up as well as increased costs to purchase new meters for new home construction. This expense account can vary from year to year based on the needs of the system.
- Sewer Fund – We added the \$250,000 project on 2525 West as discussed in our last council meeting. This cost is capitalized and depreciated each year.

An important note with this budget opening is that our revenue adjustments will exceed the proposed expense adjustments. We are not proposing rate increases of any kind.

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Councilmember Duncan asked how old the Police Department roof is. Councilmember Shingleton asked if the roof was redone when the building was remodeled. Mr. Rice stated he did not think it was done during the remodel. He stated that he and several City employees have looked at the roof during heavy rainstorms and it is not possible to patch it any longer. Councilmember Shingleton stated the only reason he asked if it was redone during the remodel was that he wanted to know if there was a warranty on the work. Mr. Rice answered no. Councilmember Duncan asked if there would be a warranty on the shingles. Mr. Rice stated that the shingles are not causing the problem. Councilmember Duncan asked if the entire building would be reroofed. Mr. Rice answered no and stated it is the north half or third of the building. Public Works Director Whiteley stated that it is the area of the building that previously housed the Fire Department. Councilmember Duncan stated that is a lot of money to do the project. Mr. Rice stated that staff has projected a high cost for the project and he hopes that it will be lower. He stated it has been leaking for a couple of years; the staff originally planned to use Public Safety Impact Fee money, but staff was not sure that could be justified so that is why the capital improvement fund is being used.

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Mr. Marshall then continued reviewing his staff memo.

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Councilmember Duncan asked where Ranchettes Park is located. Recreation Director Robinsons stated that it is located near Buffalo Point Elementary. She stated that improving the park is somewhat difficult since it is a detention basin now. She stated she needs direction from the Council on how to proceed. Mr. Rice stated that there is money available to complete the improvements as outlined in the budget opening documentation.

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Councilmember Johnson asked how much use the park gets. Ms. Robinson stated that it does not get much use now because it is dark and dilapidated. Mayor Nagle stated it is also covered in weeds. Ms. Robinson agreed and stated her staff is basically cutting down weeds as the only form of maintenance. Mayor Nagle stated that the City gets so many complaints from the residents. Ms. Robinson agreed; the park was promised to the citizens seven or eight years ago and it was never put in. Councilmember Johnsons stated that he thinks it needs improvement.

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Councilmember Lisonbee asked if the entire park is in a detention basin. Ms. Robinson stated that just the back portion of the park is in the basin, but it is a small park that looks like it is a resident's backyard. She stated that it is very run down and she is planning on moving the toy lot from Centennial Park to this park when construction of Chloe's Sunshine Playground begins. Councilmember Lisonbee asked if the toy lot will be put in the detention basin. Ms. Robinson answered no. Mr. Rice stated that the detention basin is about the size of a football or soccer field and there will be sod installed in that area. He stated the toy lot will be installed to the right of the detention basin. Ms. Robinson added that a walking track will be installed around the park and eventually a pavilion will be constructed there as well. Councilmember Lisonbee asked if there is water sitting in the detention basin the majority of the time. Ms. Robinson answered no and stated it is typically dry.

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Councilmember Peterson asked if the City would ever be able to sell the park property. Ms. Robinson stated that staff discussed selling the top portion of the park for building lots, but she did not think the City could sell the detention basin. Mayor Nagle stated that if the due to the way the park is oriented, it would be difficult to sell the property. She stated there is no park in that area of the City and that is why the residents are so upset; they have paid their park impact fees, but there are no parks for them. Ms. Robinson stated that she would like to include a soccer field at the park to increase the use of the park.

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Councilmember Duncan asked if the improvements will be done with revenues from the Park Impact Fee. Ms. Robinson stated that the improvements will actually be done with the park maintenance fee and the money is available in cash. Councilmember Johnson stated he thinks it is a good use of the funds.

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Mr. Marshall then continued to review his staff memo. Mr. Rice and Whiteley provided input regarding the item relative to Class C Road funds.

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Councilmember Duncan asked if money will be transferred from the Class C Road Funds to cover road salt purchase to be used during snow storms. Mr. Rice stated that the money is already there.

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Councilmember Lisonbee stated that money has been used from the Class C Road Funds in the past to cover items related to snow removal, but she wondered if that is necessary. She asked if the money could be taken from the general fund in order to reserve the road funds for repairs. Mr. Marshall stated it is up to the Council. Mr. Rice stated that the budget includes \$25,000 for road salt, but the wages associated with snow removal will be funded by the general fund. Councilmember Lisonbee stated that her concern is that the City has \$13 million in outstanding road repairs and some of those have been completed with impact fees over the past year, but in 2011 the Council was told that the Class C road allotment would not cover the road repairs and it would be necessary to provide additional funding via tax increase or fee to complete the projects over a 10 year period. She stated that she hesitates to use any of the Class C Road money for anything other than road repairs especially if the money is available in a different fund. Mayor Nagle stated that during the budget retreat the Council can consider allocating money from the general fund to the Class C Road fund to be used for road repairs. Mr. Rice stated the City actually did that this year. Mr. Marshall stated that the City gets about \$700,000 in Class C Road funds and his plan is to transfer \$200,000 to \$300,000 from the general fund to the Class C Road fund. He stated that the money can be transferred into the Class C Fund, but it cannot be transferred out.

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Councilmember Peterson stated that he feels that road salt is an appropriate expense to be charged to the Class C Road fund. Mr. Rice stated that he thinks that it would actually be a wash; the City has budgeted \$700,000 to be received in Class C funding, but the actual revenues will be closer to \$725,000 so the money for road salt could be taken from that surplus. Mr. Marshall stated that last year the City budgeted \$700,000 and received \$728,000.

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Councilmember Lisonbee stated that she had a question about page 25 in the packet relative to part time wages in the Community Development Department. Mayor Nagle asked that the Council let Mr. Marshall conclude his presentation before asking questions about items that have not yet been reviewed.

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Mr. Marshall continued his presentation. He then stated that he assumed Councilmember Lisonbee's question dealt with ordinance enforcement. He stated that staff is proposing to move code enforcement from the Community Development Department to the Police Department; it is a simple transfer of funds. Councilmember Lisonbee asked who is doing code enforcement now. Mr. Marshall stated that it falls under the Building Official right now. Mr. Rice stated that the Building Official is extremely busy right now and Chief Garrett oversaw code enforcement with his previous employment with Layton City and he felt it would be a good fit to move the function under him. Councilmember Lisonbee stated that her concern is that the Council has heard over a long period of time that the Police Department is stretched to the limit and there is a need for more officers. Mr. Rice stated that the bailiffs in the Police Department will handle the code enforcement; the City already has two part-time bailiffs and they will assume the duties. Mr. Marshall stated that the City currently has two bailiffs that work 10-hours per week and their time will be increased to 20 hours per week. Chief Atkin stated he thought their time would be increased to 25 hours per week. Mr. Rice stated the bottom line is that it is a wash in funding. Councilmember Peterson stated he thinks this will be a better practice. Mr. Rice agreed and he reviewed the process that has taken place relative to enforcement in the past.

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Mr. Rice stated that the staff will schedule a public hearing for the next Council meeting for a vote. He stated the only adjustment that he anticipates over what is included in the packet is an additional \$5,000 for overtime for the Streets, Water, and Class C funds in the budget. Mr. Marshall asked if the Council would prefer a transfer from the general fund to cover road salt. Councilmember Duncan stated that he sees where Councilmember Lisonbee is coming from. Mr. Rice stated that once the staff and Council start talking about the plan for next year, the necessary funding can be transferred from funds within the budget. Councilmember Duncan understands that, but from a matter of principal the biggest issue in the City is infrastructure and leaving the money in the Class C Road fund is a commitment to infrastructure.

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Mayor Nagle then commended Mr. Whiteley for the job that he and his Department did on snow removal after recent storms. She asked him to pass that appreciation on to his staff. Councilmembers Lisonbee and Shingleton echoed Mayor Nagle's comments.

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Discussion regarding late fee on City utility bill

Mr. Marshall reviewed the following staff memo that he included in the Council packet:

Syracuse City has now assessed a \$10 late fee for one complete year. Over this past year, there have been a total of 9,210 late payments. Utility bills are due each month on the 25<sup>th</sup> of the month. A grace period is granted to all late payments up to and including all payments made by the 5<sup>th</sup> of the following month. The 9,210 accounts that were assessed the late fee did not make the payment within the grace period. This generated \$92,100 in late fee revenue. Of the total 9,210 late payments, 162 waivers were given. Most requests for waivers were granted with no questions asked. The average number of late fees per month has been 767.5 accounts each month. Since we have implemented the late fee, shutoffs have declined from an average of 84.8 per month to 62.75 per month. I have also attached with this presentation the original documents that were placed in your council packets on February 14, 2012 when we last discussed the late fees. This includes a power point slide and a PDF file that compares our \$10 late fee with 7 surrounding cities. We are very comparable to other cities when comparing our late fee. The range is from \$3.00 per month to \$25.00 per month. Our \$10 late fee is below the average of \$12.25 when you average the 7 other cities late fees.

Administration's Philosophy

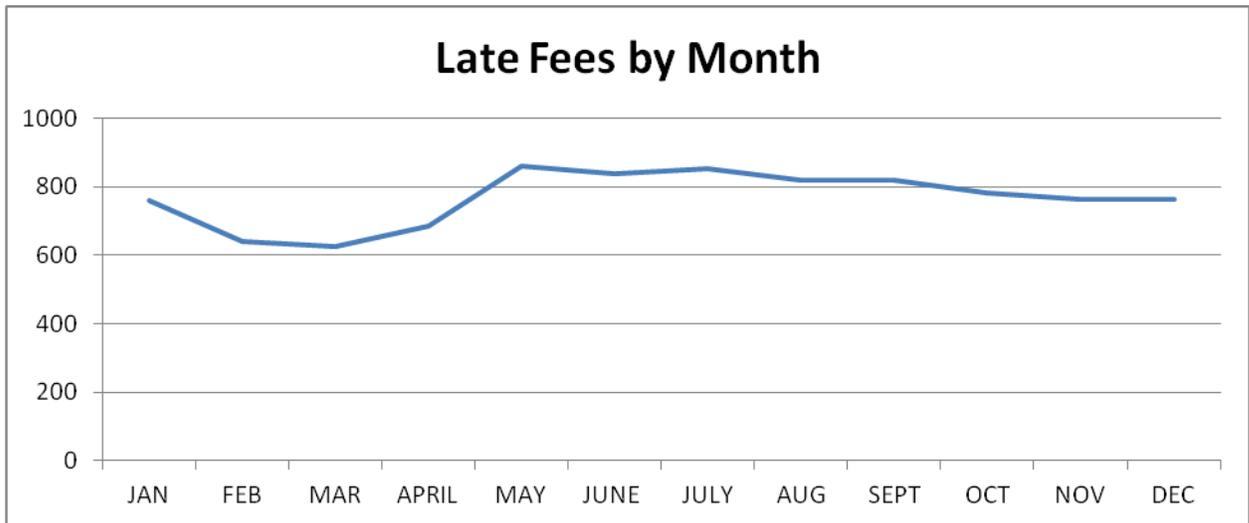
I want to reiterate administration's philosophy and belief on late fees. We believe that the primary reason to charge a late fee is to reduce the number of delinquent accounts. This does a couple of important things:

- It encourages citizens to pay their bill on time.
- Fewer late accounts = less collection costs for City.
- The City has vendors that need to be paid for the services they provide the City.
- How can we as a City pay our bills if citizens don't pay their bill on time?
  - Currently 767.5 residents on average are late each month out of 6,650 homes or 11.5%. This means that in theory we cannot pay 11.5% of our bills to vendors.

The revenue from the late fees is NOT the primary reason we charge the fee. We believe that most fees charged by the City should only be high enough to cover City expenses. However, we believe that late fees are different. The late fee is not assessed to every citizen in the city; it is only charged to those citizens that don't pay their bill on time. We believe that the late fee amount should be high enough so that it will reduce the number of total late payments. The ideal situation would

be if every citizen paid their bill on time; then NO late fees would be assessed and the City could save on collection costs, staff time, and would have money to pay our vendors.

Below is a chart showing the late fee assessed over the last 12 months.



Based on this chart, we have not reduced the total number of late fees over the past year. We assessed 759 late fees in February 2012 and 765 late fees in January 2013. Based on our philosophy, we should actually increase the late fee amount to reduce the number of delinquent accounts.

**Conclusion & Recommendation**

Our \$10 late fee is below average when compared to other cities from the surrounding area. The number of late accounts has not declined since we implemented the late fee. Out of an average of 767.5 late fees assessed per month only 13.5 waivers were given per month. This indicates that citizens that are late on their bill realize they are late and accept the \$10 late fee. There were not very many complaints about the amount of the late fee indicating that it is a reasonable amount. 11.5% of all accounts are late each month. In my opinion this is way too high. It should be closer to 3-5%. Based on all of the indicators above, the City Council should consider raising the amount of the late fee to cut down on the number of late accounts. However, if the City Council does not want to raise the late fee, I recommend keeping it the same. Reducing the fee or removing the fee will most likely cause the number of delinquent accounts to rise. This would further put strain on the City to pay its vendors.

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Councilmember Duncan stated that one of his concerns is that late fees do not reflect the actual costs associated with dealing with delinquent accounts. He stated that the idea is that this is a revenue generator and he asked what would happen if the City chose to issue a rebate to residents using revenues from the late fee. Mr. Marshall stated that the City will essentially be doing that because it will not be necessary to increase rates to all customers because this money will be available to support the fund. He continued to review his staff report.

Mayor Nagle stated there is a secondary issue; there are a lot of people in the City, especially developers, that purposely do not pay their property taxes. She stated they let them go delinquent three years until their property is about to be auctioned. She stated they then come in and pay one year of property taxes with a minimal penalty because it is cheaper than getting a loan from the bank. She stated there is about \$150,000 in unpaid property taxes in the City here. Councilmember Duncan stated that is not the issue with the utility bill.

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Councilmember Lisonbee stated that her major concern, after reading through the elected officials handbook provided by the Utah League of Cities and Towns (ULCT) that the City could face a challenge is its fees are not commensurate with the service the staff is providing. She stated that there is not a competing company that provides water and the City is a monopoly; it is not regulated by any State agency like other utility companies. She stated that the City can turn a residents water off, though she knows that is dealt with on a case by case basis, and the concerns she has is that because of those reasons the City cannot compare itself to a credit card company that charges a late fee. She stated this is

water and if the City turns off someone's water, their house is deemed unlivable. She stated that she understands the City needs to charge a fee, though the fee is not working as staff hoped it would. She stated that the number of people paying late did dip after the fee was first implemented, but after that it went back up. She stated she understands the reasoning of the staff, but in order to be above board and transparent and follow the law, the City needs to make sure its fees are commensurate with the service it provides. She stated there should not be revenue coming into the City unless it is for a specific service provided. She stated that if the City is not charging enough for utilities or for shutting off water, those fees need to be reviewed. She stated that this is simply information that came from the ULCT handbook; it referenced municipalities that have charged exorbitant fees. She stated the City needs to be careful and look at things in that light. She stated that she thinks the City is being a little irresponsible. Mr. Rice asked how the City is being irresponsible. Councilmember Lisonbee stated the City is charging a fee that is bringing revenue to the City and it does not match the service that is being provided; the City is not regulated by the State and there is not a competing company that can provide the same service. She stated that because of those regulations the City needs to be very careful about what it is doing. Mr. Rice asked what would happen if everyone decided not to pay their utility bill. Councilmember Lisonbee stated that everyone would bet their water shut off and no one would be able to live in their houses. Mr. Rice stated that the City would not be able to pay the bills it has accrued. Councilmember Lisonbee stated it would be awful, but that scenario is very unlikely. Mr. Rice stated that Councilmember Lisonbee's scenario that the City is being irresponsible is also very unlikely. Mayor Nagle agreed that it is unlikely the City would be challenged. Councilmember Lisonbee stated there have been lawsuits against cities that have charged fees that were not commensurate with the service provided. Mr. Rice stated this is not a water fee; it is a penalty for not paying on time.

[7:32:11 PM](#)

Councilmember Johnson stated the fee is comparable to what other cities charge and it is not a burden to citizens because they have not changed their behavior. He stated his recommendation would be to leave the fee in place. He stated that maybe the staff could look at ways to use the money to get people to sign up for automatic payment of their water bill. He stated that people that pay electronically will not pay late. Mr. Rice agreed and stated the City could hire temporary employees again to try to enlist people in signing up for automatic payment. Mr. Marshall stated the City could offer an incentive to get people to sign up for automatic payment.

[7:33:31 PM](#)

Councilmember Peterson stated that he agrees with Councilmember Lisonbee that if the fee is going to be charged there needs to be a use for it and he supports the idea that Councilmember Johnson suggested for use of the revenue. Councilmember Lisonbee stated there will always be problems; someone could sign up for automatic payments, but if someone does not have money in their bank account they will still be late. She stated she thinks that Councilmember Johnson's idea can be explored further. She then stated she is not saying the City should get rid of the late fee, but she looked at fees charged in other cities and some cities charge a lower fee and they wait until the second month that someone is late to charge the fee. She stated that is working for other cities and maybe staff could look at that. She stated the Council simply needs to be considerate of the possible implications of their actions.

[7:35:24 PM](#)

Councilmember Shingleton stated there is a cost to being late; he does not know what that cost is and he feels the City is trying to accomplish two things with the fee. He stated that the City wants people to pay on time and to charge enough to cover staff time. He stated that he does not know what that cost is, but there is an actual cost associated with dealing with late payments. Councilmember Duncan stated that he hoped that it would not be \$10 to cover the service. Mr. Whiteley added that the City has a fee for people that have their water shut-off and then turned back on. Councilmember Lisonbee stated she is aware of that fee as well and she asked staff to determine whether that fee was appropriate or if it needed to be raised to cover costs.

[7:36:43 PM](#)

Mr. Marshall then continued the review of his staff memo.

[7:38:44 PM](#)

Mr. Rice added that the money from the late fee will also cover the costs the City incurs in writing off delinquent accounts. Councilmember Lisonbee stated that if the City can show that the \$92,000 in revenue is covering the cost of service, she would be in favor of keeping the fee. She then stated when this item was first brought forward in January 2012 there was information about people being one, two, and three months late and she asked if those numbers have improved. Mr. Marshall answered no. He then stated that he feels that residents that pay their bill on time appreciate that the City is addressing this issue and has the money available to support the fund to avoid the need to increase rates to all residents. Mr.

Rice agreed and stated that he thinks that residents that pay their bill on time do not think that people that pay late should not be penalized. Councilmember Lisonbee stated that may be correct and she pays her bill on time and she is still raising this issue.

[7:41:09 PM](#)

Mayor Nagle stated she struggles with the concept that the City is not being transparent and the Council has the responsibility to answer questions that they received from the citizens about the lack of transparency. She stated that the City has never hid information and it is open and accessible as long as someone asks for it. She stated that she feels that this practice shows that the City is being good stewards of tax dollars.

[7:42:42 PM](#)

Mr. Marshall then reviewed the benchmark data included in his staff memo.

[7:44:22 PM](#)

Council consensus was to keep the fee where it is at and work on ideas to get more people to sign up for automatic payments. There was a brief discussion about an incentive program and Mayor Nagle asked Mr. Marshall to come to the Council with a proposal that Council can consider relative to an incentive program.

[7:48:05 PM](#)

TJ Jensen stated that Weber Basin Water is going to be raising their secondary water fee next year and the revenue generated by the late fee could help to cover those costs.

[7:48:42 PM](#)

Discussion regarding Councilmember reports

Councilmember Peterson stated that he at the last meeting he was disappointed to see that there was not Councilmember Reports on the last business meeting agenda. He stated that he asked why it was left off and he agreed with the Mayor's decision based on her feelings. He stated that he wanted to have a short discussion regarding how the Council feels that Councilmember Reports should be used. He stated that he has three proposals; one is to leave it off the agenda, which he does not like; another is to keep it on with the commitment that the Council will only use it if the Council has a report on one of their assignments; or finally to leave it off with the understanding that any Councilmember can call Mr. Rice of the Mayor and ask for a specific agenda item to be added to allow for a report.

[7:50:13 PM](#)

Council discussion regarding the item ensued. The consensus was to leave the item on agendas with the understanding that the entire Governing Body can be mature and use their time to report on what they see fit and follow the Rules of Order and Procedure that have been adopted by the Council.

[8:02:24 PM](#)

Council business

Councilmember Peterson asked about the potential dates for the budget retreat. The Council discussed potentially scheduling the retreat for a Friday and Saturday as was done last year. The consensus was to schedule the retreat for April 26 and 27. The Council said they would check their schedule and report back to staff as to whether those dates are suitable.

The meeting adjourned at [8:07:06 PM](#).

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: February 12, 2013