



SYRACUSE CITY

Joint Syracuse City Council/Planning Commission Work Session Notice

January 22, 2013 – 6:00 p.m.
Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Tuesday, January 22, 2013, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Public comments.
- b. Training regarding Ethics Act and Open and Public Meetings Act from City Attorney Carlson. (30 min.)
- c. Update on Police motorcycle grant. (10 min.)
- d. Discussion regarding AED devices for City buildings. (10 min.)
- e. Budget Opening discussion. (20 min.)
- f. Discussion regarding late fee on City utility bill. (10 min.)
- g. Discussion regarding Councilmember reports. (5 min.)
- h. Council business.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

#### CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 17<sup>th</sup> day of January, 2013 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on January 17, 2013.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



# COUNCIL AGENDA

January 22, 2013

Agenda Item #b

Training regarding Ethics Act and Open and Public Meetings Act from City Attorney Carlson. (30 min.).

***Factual Summation***

- Any questions regarding this item may be directed at City Attorney Will Carlson
- Please see the attached information regarding this agenda item.

# OPEN AND PUBLIC MEETINGS

By David L. Church

In order to understand the Open and Public Meetings Act it is only necessary to understand what the public policy behind the Act is. The Act specifically states that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business. It is the intent of the Legislature that the state, its agencies and political subdivisions take their actions and conduct their deliberation openly.<sup>1</sup>

It is clear from this statement of policy that all meetings of official bodies of cities and towns, with very limited exceptions, are to be open to the public. It is not just having the meeting open to the public that is the policy of the State of Utah. It is also that deliberations be conducted openly. If you keep these two policies in mind it is easy to comply with the Open and Public Meetings Act.

For purposes of the Act it is first necessary to understand what a meeting is. The Act defines a meeting as being a convening of a public body when a quorum is present. Meetings include workshops, executive sessions and it does not matter if the meeting is held in person or by means of electronic communications. Convening is also defined to mean any meeting called by a person authorized to do so for the purpose of either discussing or acting upon a matter on a subject matter over which the body has jurisdiction or advisory power.<sup>2</sup> These very broad definitions are intended to include almost all gatherings of the city council or other committees of a municipality.

The exceptions to what a meeting is are very narrow. They include a chance meeting, a social meeting; a convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated and where the meeting is convened just to implement administrative matters.<sup>3</sup>

The Open and Public Meetings Act applies to more than just the governing body of a city. It also applies to Planning Commissions and the Boards of Adjustment and other advisory committees of the city or town. As long as this group consists of two or more persons, has the power to expend, disburse, or is supported in whole or part by tax revenue and has authority to do the public's business it is governed by the Act. The intent of this is to include all committees, commissions, or other groups that may be carrying out anything that looks like the public's business if they are supported by public funds.

It is important to remember, however, that a quorum of the body is necessary for it to be a meeting subject to the Act. For example, any two council members of a third, fourth, and fifth class city could get together to discuss any matter without it being a meeting but

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<sup>1</sup> Utah code 52-4-101.

<sup>2</sup> Utah code 52-4-103(2)

<sup>3</sup> This could apply to smaller cities and the towns where individual council members have administrative departments but should only be used in very few circumstances.

three council members could not get together to discuss a public matter without it constituting a meeting. It is now clear in the law that in cities operating under the six-member council form of government that two council members and the mayor do not constitute a quorum. If a mayor is meeting with only two of his council members for purposes of avoiding the public scrutiny it will appear to the press and public that at the very least he or she is violating the spirit of the open meetings act and this should be avoided.

All meetings are to be open to the public with limited exceptions. In addition any special meeting such as a workshop or executive session that is held the same day as a regular meeting of the city or town must be held at the same location where the regularly scheduled meeting is being held. The purpose of this is to keep a city council from holding work meeting at a place like a mayor's home or a café prior to the regularly scheduled council meeting.

The exceptions to having a meeting open to the public are meetings for:

- (a) discussion of the character, professional competence, or physical or mental health of an individual;
- (b) strategy sessions to discuss collective bargaining;
- (c) strategy sessions to discuss pending or reasonably imminent litigation;
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would:
  - (i) disclose the appraisal or estimated value of the property under consideration; or
  - (ii) prevent the public body from completing the transaction on the best possible terms;
- (e) strategy sessions to discuss the sale of real property if:
  - (i) public discussion of the transaction would:
    - (A) disclose the appraisal or estimated value of the property under consideration; or
    - (B) prevent the public body from completing the transaction on the best possible terms;
  - (ii) the public body previously gave public notice that the property would be offered for sale; and
  - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) investigative proceedings regarding allegations of criminal misconduct; and
- (h) discussion by a county legislative body of commercial information as defined in Utah code Section **59-1-404**.

Before a meeting may be closed for one of these valid reasons, the public body must be called together in an open meeting. At least two-thirds of the members of the public body present must vote to close the meeting before it can be closed. No closed meeting is allowed except for the reasons mentioned above. The reasons for holding the closed

meeting and the vote either for or against the proposition to hold the meeting are to be entered into the minutes of the public portion of the meeting.

The law requires that written minutes and a recording are to be taken and kept of all public meetings. Both the minutes and tapes are public records and must be made available to the public within a reasonable time following the meeting. The recording must be available within 3 days following the meeting. Each City and Town is required to establish a policy about how minutes are to be approved. Once a City Recorder, Town Clerk, or Clerk of a meeting get the minutes written and they are given to the members of the public body for their review, they must also be given to the public. They can be labeled as draft minutes subject to change or something like that.

The minutes of open meetings must include certain minimal detail. Including the date, time, and place of the meeting; the names of members present and absent; the substance of all matters proposed, discussed, or decided; a record, by individual member, of votes taken; the name of each person who provided testimony and the substance in brief of their testimony; and any other information that any member requests be entered in the minutes or recording that is a record of what went on in the meeting.

Written minutes may be kept and a digital or tape recording must also be kept of closed meetings. The open portion of the meeting minutes when the closed meetings is voted for must include the date, time, and place of the meeting, the names of the members present and absent and the names of other persons present except where disclosure would infringe on the confidence necessary to fulfill the purpose of closing the meeting. These minutes are public records and are available to the public as set forth above.

The Act also gives the public the right to record any open meeting. This recording could include either audio recording or video recording of the meeting. You do not, however, have to let this recording interfere with the conduct of the meeting.

The closed portion of the meeting must be tape recorded. These tape recordings and minutes (if any) are protected records under the Government Records Access and Management Act and, therefore, should not become public except under the provisions of that Act. The exception to this is meetings in which the competence or physical or mental health of an individual is discussed or the deployment of security devices is discussed. The public body holding the meeting can then choose to have the Chair or presiding officer sign a sworn affidavit affirming that the sole purpose for closing the meeting was to discuss only those issues. The purpose for this exception is that when discussing an individual, frank and open discussions are important and the presence of a tape recording device or minutes may impede this open and frank exchange of ideas. If individuals are meeting to discuss deployment of security personnel or devices, it may very well compromise the security of these devices to have a tape recording or detailed minutes available.

The purpose of requiring the tape recording of the other types of closed meetings is also twofold. Protected records under the Government Records Access and Management Act

will eventually become public records when the reason for the protection is removed. Also, any person who feels like there has been a violation of the law regarding the closed meeting has a right to take this tape recording or the detailed minutes and have a Judge review what went on. If the Judge determines that the public body discussed matters in the closed session that were inappropriate, he will then make these matters public.

The Attorney General and the county attorneys of the State are charged with enforcing the Open and Public Meetings Act. Private individuals, however, can enforce these acts by bringing suit. They may bring suit to enjoin or force compliance with provisions of the Act. If the private individuals prevail, the court may award reasonable attorneys fees and court costs to the successful plaintiffs. If any person intentionally violates any provision of the Act regarding closed meetings that person can be found guilty of a class B misdemeanor.

The Utah Open and Public Meetings Act also provide the minimum notice for a public meeting. A public body shall give not less than 24 hours public notice of each meeting including the meeting agenda, date, time, and place. In addition to these requirements a public body which holds regular meetings that are scheduled in advance over the course of a year must give public notice at least once each year of its annual meeting schedule by giving notice of the date, time, and place of the scheduled meetings. This notice is satisfied by posting written notice at the principal office of the public body, or if no principal office exists, at the building where the meeting is to be held; on the Utah Public Notice Website created under Section 63F-1-701 of the Utah Code; providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body; or a local media correspondent. A public body is encouraged to develop and use electronic means to provide notice of its meetings. The public body must also provide public notice to all other media agencies that make a periodic written request to receive them; and post public notice of its meetings on the Internet.

The notice requirements may be disregarded if because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature; and the best notice practicable is given. An emergency meeting of a public body may not be held unless an attempt has been made to notify all of its members; and a majority of its members approves holding the meeting.

A public notice that is required to include an agenda must provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic must be listed under an agenda item on the meeting agenda. A public body may not consider a topic in an open meeting that is not listed under an agenda item included with the advanced public notice. However a topic not listed on the open meeting agenda that is raised during an open meeting may be discussed but no final action may be taken by the public body during that meeting.

The best way to avoid problems with the Open and Public Meetings Act is to err on the side of public openness. When in doubt, the meeting should be open. City councils and other committees or commissions of cities should not attempt to violate even the spirit of

the Act. It is important that the meeting not only is conducted in public, but the deliberations be conducted openly. It is not appropriate for members of public bodies such as city councils and planning commissions to conduct their deliberations privately and then in the public meeting just perfunctorily hold the vote.

A copy of the Act is attached.

# Open and Public Meetings Act

## Summary of Key Provisions \*

### Purpose ([Section 52-4-102](#))

State and local agencies exist to conduct the people's business, which must be done openly.

### Definitions ([Section 52-4-103](#))

- **Meeting** means a convening of a public body with a quorum present to discuss, receive comment, or act on a matter under its jurisdiction or advisory power.
- **Meeting** does not mean a chance or social meeting, a meeting of a public body that has both legislative and executive responsibilities in certain circumstances, or a meeting of the State Tax Commission to consider a confidential tax matter.
- **Public Body** is any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
  - is created by constitution, statute, rule, ordinance, or resolution;
  - expends, disburses, or is supported by tax revenue; and
  - is vested with the authority to make decisions regarding the public's business.
  - A school community council established under Section 53A-1a-108 is not a public body. (*H.B. 128*)

### Public Notice ([Section 52-4-202](#))

- A public body must give notice at least 24 hours before each meeting. The public notice must:
  - include the date, time, and place of the meeting;
  - include an agenda that lists topics to be considered;
  - be posted in specified places; and
  - be provided to a newspaper or local media correspondent.
- A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.

### Minutes and Recordings ([Sections 52-4-203 and 52-4-206](#))

- A public body must keep written minutes and a recording of all meetings. A recording is not required for a site visit if no vote or action is taken by the public body.
- Written minutes of an open meeting must be:
  - available to the public within a reasonable time;
  - approved by the public body; and
  - considered public when prepared in a form awaiting formal approval and identified as "unapproved."
- A public body must make a recording of an open meeting available to the public within three business days.

### 2012 Amendments to the Open and Public Meetings Act

[H.B. 128](#)  
School Community  
Council Revisions

[H.B. 311](#)  
Electronic Meetings  
for Charter Schools

[H.B. 491](#)  
Midterm Vacancy  
Amendments

[S.B. 66](#)  
Alcoholic Beverage  
Control Related  
Amendments  
(effective 7/1/12)

[S.B. 180](#)  
Political Subdivision  
Ethics Amendments  
(effective 9/1/12)

## Closed Meetings *(Sections 52-4-201, 52-4-204, and 52-4-205)*

- A meeting is open to the public unless it is closed by a two-thirds vote with a quorum present at the open meeting.
- The public body must announce the reasons for the closed meeting and enter the reasons into the minutes of the open meeting.
- The public body may only hold a closed meeting for certain reasons, including:
  - discussion of a person's character, competence, or health;
  - strategy for collective bargaining;
  - pending or imminent litigation;
  - an acquisition of real property including water rights or shares;
  - discussion of security system;
  - investigation of criminal conduct;
  - specified commercial information discussed by a county legislative body;
  - certain legislative or political subdivision (S.B. 180) ethics complaint matters; or
  - fiduciary or commercial information being discussed by the Utah Higher Education Assistance Authority.
- A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence. (H.B. 491)



### **Closed Meeting Exceptions** *(Sections 52-4-204)*

- No vote is required to close a meeting for the Independent Legislative Ethics Commission to review an ethics complaint.
- If a public body is required to hold a closed meeting, it may do so by majority vote.
- Closed meeting provisions specifically relating to the Alcoholic Beverage Control Commission issuing a retail license were repealed. (S.B. 66)

## Emergency Meetings *(Section 52-4-202)*

A public body may not hold an emergency meeting unless it makes an attempt to notify all members and a majority of the members approve the meeting. A public body need not give a 24-hour notice if unforeseen circumstances require an emergency meeting and it gives the best practical notice.

## Electronic Meetings *(Sections 52-4-207 and 52-4-209)*

- A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern them.
- A charter school board may conduct an electronic meeting that is in writing on a website under certain conditions. (H.B. 311)

## Penalties *(Sections 52-4-302 and 52-4-305)*

- **Open Meetings** - Any final action taken in violation of the act is voidable by a court.
- **Closed Meetings** - It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions.

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\* A public body must provide annual training to its members on the requirements of the Open & Public Meetings Act (Section 52-4-104). This summary is intended for a state legislative audience and should not be construed as exhaustively addressing requirements of the act for other public bodies. The 2012 amendments to the act are underlined.



# COUNCIL AGENDA

January 22, 2013

Agenda Item #c                      Update on Police motorcycle grant. (10 min.)

***Factual Summation***

- Any questions regarding this item may be directed at Police Chief Garret Atkin.
- Please see the attached memo and pictures regarding this agenda item.

# Memo

**Date:** January 17, 2013  
**To:** Syracuse City Council; Mayor Nagle  
**Cc:** City Manager Rice  
**From:** Chief Garret Atkin  
**RE:** Police Motorcycles

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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.

| Item                | Quantity | Price Per Unit | Total Cost  | Funding Source                                    |
|---------------------|----------|----------------|-------------|---------------------------------------------------|
| 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.

I believe 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.

Thank you for your continued support of the Department.







# COUNCIL AGENDA

January 22, 2013

Agenda Item #d                      Discussion regarding AED devices for City buildings.  
(10 min.)

## *Factual Summation*

- Please see the following memo regarding this agenda item. Any questions regarding this item may be directed at Fire Chief Eric Froerer.
- Please see the attached flyer regarding AED devices.

## *Memorandum*

Syracuse City AED Project Proposal:

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.

**AED Plus®**

**ZOLL®**



*The Best Support  
For Rescuers*

# CPR Required

The latest American Heart Association (AHA) Guidelines issued in 2010, are clear: successful defibrillation requires high-quality CPR performed at the proper depth and rate. When it's time for CPR, the AED Plus® with Real CPR Help® provides the best support to help save a life.



*The CPR hand-placement landmark contains a sensor that detects and measures chest compressions.*

Whether a shock is advised or not, the 2010 Guidelines say that rescuers should focus on delivering high-quality CPR.<sup>1</sup> If no shock is advised, only high-quality CPR can potentially save a victim. That's because only good CPR can restore the heart rhythm to one required for a shock to work.

Even when an AED says "Shock Advised," high-quality CPR should begin immediately after shock delivery. Once shocked, the heart struggles for blood as it tries to reorganize and restore its natural beat. By moving blood through the heart, and back into the heart

muscles themselves, CPR provides critical help to the struggling heart. Without this help, a shock alone may prove ineffective, and the victim may not be resuscitated.



*Audio prompts match the displayed text.*

## Knowledge Is Power

The AHA's 2010 Guidelines recommend that rescuers push hard to a depth of at least 2 inches (or 5 cm) at a rate of at least 100 compressions per minute. But how do you know you're reaching that depth and rate? You shouldn't have to guess—you should know. Only an AED that offers real-time CPR feedback provides the best support for saving a life.

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*"Rescuers should focus on delivering high-quality CPR: providing chest compressions ...of at least 2 inches."*

*- 2010 AHA Guidelines, p. S678*

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## An AED that Helps You Perform High-Quality CPR

Only ZOLL's AED Plus is equipped with Real CPR Help technology. The sensor in the pads lets the AED see each chest compression and lets you know how you're doing. It guides you, with prompts and a real-time bar gauge, to the recommended depth and rate of compressions.

## The Only Fully Compliant AED

The AED Plus fully complies with the AHA's 2010 Guidelines because it is the only AED with a Food and Drug Administration (FDA)-approved therapy that lets you know when compressions are at least two inches deep. ZOLL updated its Real CPR Help technology to comply with the new Guidelines for compression depth during CPR, reflecting the increase from 1½ to 2 inches to at least 2 inches. This modification constituted a change in therapy that necessitated FDA approval. No other AED on the market required this type of update or approval.

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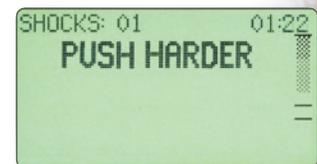
*"CPR can double or triple survival from witnessed cardiac arrest."*

– 2010 AHA Guidelines, p. S706

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## How It Works

- The CPR-D-padz® electrode senses and reports the motion of the chest compressions to the AED Plus.
- Audio and text prompts relay compression quality.
- The compression depth bar gauge lets you see the depth of each compression in real time.
- The adaptive metronome detects compression rate and guides you to at least 100 per minute.



*The compression depth bar gauge helps you to achieve the recommended depth of at least two inches.*



## What It Means to See

Because the AED Plus can “see” your compressions, you can see, hear, and read how well you are performing CPR.

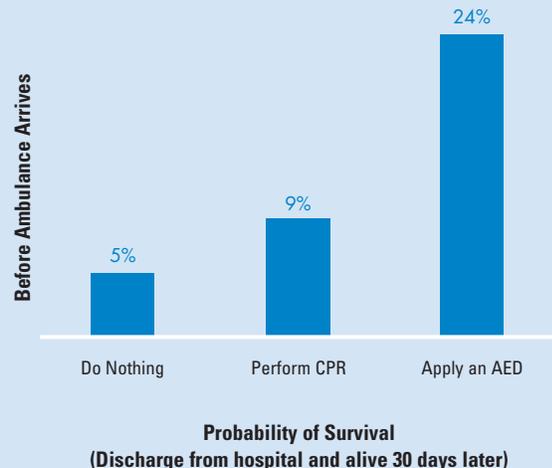
| RESCUER ACTIONS               | AED PLUS SUPPORT                                  |
|-------------------------------|---------------------------------------------------|
| Not yet started?              | “START CPR”                                       |
| Stopped?                      | “CONTINUE CPR”                                    |
| Too slow?                     | Adaptive metronome speeds you up                  |
| Not deep enough?              | “PUSH HARDER”                                     |
| Performing good CPR?          | “GOOD COMPRESSIONS”                               |
| Want to see how you’re doing? | Visible bar gauge indicates depth of compressions |



# THE CASE FOR AEDs

## Survival Increases with Early Intervention

Research shows that the probability of survival goes up dramatically when CPR is performed, and when an AED is applied before an ambulance arrives.\*



## Where is the AED?

Too often, the answer is, “We don’t have one.” Sadly, the same research that demonstrated a nearly fivefold increase in survivability (from 5% to 24%) when an AED is used, also showed that an AED is available only 2% of the time.

\* Weisfeldt ML, et al. *J Am Coll Cardiol.* 2010;55(16):1713–20.

## Real CPR Help Really Works

In the largest hospital caregiver study, research proved conclusively that Real CPR Help significantly increases the quality of chest compressions.<sup>2</sup>

Hospital caregivers had their chest compressions measured first without any help and then again with Real CPR Help from an AED Plus. Of all compressions delivered without any help, only 15 percent reached the proper depth and rate.

However, when these same caregivers were tested with Real CPR help, 78 percent of their compressions were in target—a fivefold increase in CPR quality.

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*“Several studies have demonstrated improvement in chest compression rate [and] depth... when real-time feedback or prompt devices are used to guide CPR performance.”*

*“...real-time CPR prompting and feedback technology such as visual and auditory prompting devices can improve the quality of CPR (Class IIa, LOE B).” – 2010 AHA Guidelines, p. S697*

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## The Benefits of Ownership

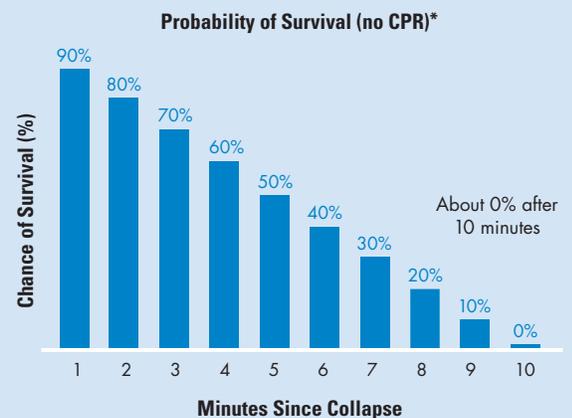
The AED Plus can help your organization's bottom line. Once installed, the AED Plus has the lowest total cost of ownership of all AEDs on the market, especially when considering the logistics of tracking and changing pads and batteries over the life of the AED. Thanks to the long shelf life of the consumables, when you compare the cost of maintenance over 10 years, this AED is the most cost-effective unit to own. The AED Plus is powered by lithium batteries (available from retail outlets) that last five years, and the CPR-D-padz last five years as well.



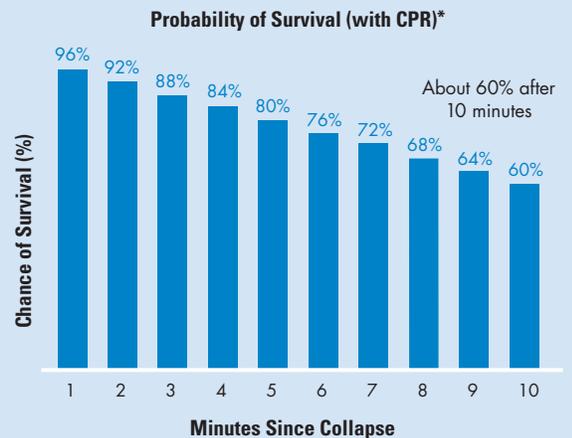
# THE CASE FOR CPR

## Quality Buys Time

The AHA's 2010 Guidelines note that if bystanders do nothing for a collapsed victim, the chance of survival drops about 10% every minute.



But if bystanders can immediately begin CPR and keep it up, then the chance of survival only drops 3% to 4% per minute. At that rate, approximately 10 minutes after collapse, the chance of survival remains at least 60%.



\*Source: 2010 AHA Guidelines for CPR and ECC. Circulation. 2010;122:S706.

## The Best Support

No other AED supports a rescuer as thoroughly as the AED Plus because it includes the following:

- A one-piece CPR-D-padz electrode for quick, easy application. Pull-tabs expose the conductive gel on each pad only when it is in direct contact with the skin, limiting the chance of gel contamination.
- A rescue accessory package attached to every CPR-D-padz that contains items critical to a successful rescue.
- A lid that acts as a “passive airway support” to maintain the victim’s open airway.
- A back-lit display screen that provides simultaneous text with every audio prompt, and a circle of lighted graphical icons that show what to do.
- A display screen that presents the elapsed time and number of shocks delivered, critical information needed by EMS personnel when they arrive.
- Real CPR Help. No other AED can see the rescuers chest compressions and guide them to the required depth and rate. Other AEDs make you guess when your compressions are deep enough. Only the AED Plus lets you know.

*The rescue accessory pack comes with all the additional tools you may require during a rescue, from scissors to non-latex gloves.*



### References:

- <sup>1</sup> 2010 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care Science. *Circulation*. 2010;122:S678.
- <sup>2</sup> Peberdy MA, et al. *Resuscitation*. 2009;80(10):1169-74.

ZOLL Medical Corporation, an Asahi Kasei Group company, develops and markets medical devices and software solutions that help advance emergency care and save lives, while increasing clinical and operational efficiencies. With products for defibrillation and monitoring, circulation and CPR feedback, data management, fluid resuscitation, and therapeutic temperature management, ZOLL provides a comprehensive set of technologies that help clinicians, EMS and fire professionals, and lay rescuers treat victims needing resuscitation and critical care. For more information, visit [www.zoll.com](http://www.zoll.com).

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# COUNCIL AGENDA

January 22, 2013

Agenda Item #e                      Discussion regarding proposed budget opening.

## *Factual Summation*

- Any questions about this agenda item may be directed at Finance Director Stephen Marshall.
- 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.**

**Recommendation:**

Administration recommends that the council move forward with this proposed budget adjustment and vote to approve it at the February 12, 2013 council meeting.

# Syracuse City

## FY 2013 Proposed Mid-Year Budget Adjustments



### General Fund:

|                                                                                                 | Original Budget | Amended Budget | Increase / (Decrease) |
|-------------------------------------------------------------------------------------------------|-----------------|----------------|-----------------------|
| <b>REVENUE ADJUSTMENTS:</b>                                                                     |                 |                |                       |
| Sales Tax                                                                                       | 2,800,000.00    | 2,900,000.00   | 100,000.00            |
| State Grants<br>(JAG Grant for equipment for new police motorcycles)                            | 22,300.00       | 27,300.00      | 5,000.00              |
|                                                                                                 |                 |                | 105,000.00            |
| <b>EXPENDITURE ADJUSTMENTS:</b>                                                                 |                 |                |                       |
| Fire Department                                                                                 |                 |                |                       |
| Equipment & Supplies<br>(AED systems for Admin., Recreation, Police, Public Works)              | 43,857.00       | 53,857.00      | 10,000.00             |
| Building Maintenance:                                                                           |                 |                |                       |
| Building & Ground Maintenance<br>(Fix HVAC, water heater, furnace, remodel city hall east wing) | 51,000.00       | 71,000.00      | 20,000.00             |
| Police Department:                                                                              |                 |                |                       |
| Equipment & Supplies<br>(JAG Grant for equipment for new police motorcycles)                    | 18,280.00       | 23,280.00      | 5,000.00              |
| Part Time Wages<br>(Transfer wages from DCED for ordinance enforcement)                         | 82,411.00       | 89,911.00      | 7,500.00              |
| Ordinance Enforcement<br>(Transfer Abatement costs from DCED)                                   | -               | 6,000.00       | 6,000.00              |
| Community & Economic Development                                                                |                 |                |                       |
| Part Time Wages<br>(Transfer wages to police dept. for ordinance enforcement)                   | 26,455.00       | 18,955.00      | (7,500.00)            |
| Ordinance Enforcement<br>(Transfer Abatement costs to Police)                                   | 7,000.00        | 1,000.00       | (6,000.00)            |
|                                                                                                 |                 |                | 35,000.00             |
|                                                                                                 | Revenue         | Expenses       |                       |
| General Fund net change                                                                         | 105,000.00      | 35,000.00      | 70,000.00             |
| Beginning fund shortage                                                                         |                 |                | (300,000.00)          |
| Overall fund deficit to come from fund balance                                                  |                 |                | (230,000.00)          |

## Parks Maintenance Fund

|                                                                             | <u>Original Budget</u> | <u>Amended Budget</u> | <u>Increase / (Decrease)</u> |
|-----------------------------------------------------------------------------|------------------------|-----------------------|------------------------------|
| <u>Revenue adjustments:</u>                                                 |                        |                       |                              |
| Park Maintenance Fee                                                        | 225,000.00             | 230,000.00            | 5,000.00                     |
|                                                                             |                        |                       | <u>5,000.00</u>              |
| <u>EXPENDITURE ADJUSTMENTS:</u>                                             |                        |                       |                              |
| Capital Projects                                                            | 107,470.00             | 174,000.00            | 66,530.00                    |
| (Increase budget for Ranchettes Park Improvement - total cost of \$140,000) |                        |                       |                              |
|                                                                             | <u>Revenue</u>         | <u>Expenses</u>       |                              |
| PMF net change                                                              | 5,000.00               | 66,530.00             | (61,530.00)                  |
| Beginning fund shortage                                                     |                        |                       | -                            |
|                                                                             |                        |                       | <u>(61,530.00)</u>           |
| Overall fund deficit to come from fund balance                              |                        |                       | <u>(61,530.00)</u>           |

## Class C Roads Fund

|                                                                    | <u>Original Budget</u> | <u>Amended Budget</u> | <u>Increase / (Decrease)</u> |
|--------------------------------------------------------------------|------------------------|-----------------------|------------------------------|
| <u>Revenue adjustments:</u>                                        |                        |                       |                              |
| Road Fund Allotment                                                | 700,000.00             | 725,000.00            | 25,000.00                    |
|                                                                    |                        |                       | <u>25,000.00</u>             |
| <u>EXPENDITURE ADJUSTMENTS:</u>                                    |                        |                       |                              |
| Special Highway Projects                                           | 59,000.00              | 84,000.00             | 25,000.00                    |
| (Increase budget for salt to be used on sidestreets & Cul-de-sacs) |                        |                       |                              |
|                                                                    | <u>Revenue</u>         | <u>Expenses</u>       |                              |
| Class C Fund net change                                            | 25,000.00              | 25,000.00             | -                            |
| Beginning fund shortage                                            |                        |                       | (488,950.00)                 |
|                                                                    |                        |                       | <u>(488,950.00)</u>          |
| Overall fund deficit to come from fund balance                     |                        |                       | <u>(488,950.00)</u>          |

## Secondary Water Fund:

|                                                | <u>Original Budget</u> | <u>Amended Budget</u> | <u>Increase / (Decrease)</u> |
|------------------------------------------------|------------------------|-----------------------|------------------------------|
| <u>Revenue adjustments:</u>                    |                        |                       |                              |
| User fees                                      | 1,322,000.00           | 1,337,000.00          | 15,000.00                    |
|                                                |                        |                       | <u>15,000.00</u>             |
| <u>Expenditure adjustments:</u>                |                        |                       |                              |
| Utilities                                      | 140,000.00             | 155,000.00            | 15,000.00                    |
| (Electricity to run the secondary water pumps) |                        |                       |                              |
|                                                |                        |                       | <u>15,000.00</u>             |
|                                                | <u>Revenue</u>         | <u>Expenses</u>       |                              |
| Secondary Water Fund net change                | 15,000.00              | 15,000.00             | -                            |
| Beginning fund shortage                        |                        |                       | (179,179.00)                 |
|                                                |                        |                       | <u>(179,179.00)</u>          |
| Overall fund deficit to come from fund balance |                        |                       | <u>(179,179.00)</u>          |

**Culinary Water Fund:**

|                                                  | <u>Original Budget</u> | <u>Amended Budget</u> | <u>Increase / (Decrease)</u> |
|--------------------------------------------------|------------------------|-----------------------|------------------------------|
| <u>Revenue adjustments:</u>                      |                        |                       |                              |
| User fees                                        | 1,469,500.00           | 1,500,000.00          | 30,500.00                    |
| Interest income                                  | 12,000.00              | 15,000.00             | 3,000.00                     |
| Water Connection Fees                            | 48,750.00              | 63,750.00             | 15,000.00                    |
| Penalties on utility bills                       | 80,000.00              | 100,000.00            | 20,000.00                    |
|                                                  |                        |                       | <u>68,500.00</u>             |
| <u>Expenditure adjustments:</u>                  |                        |                       |                              |
| System Maintenance                               | 45,000.00              | 90,000.00             | 45,000.00                    |
|                                                  |                        |                       | <u>45,000.00</u>             |
|                                                  | <u>Revenue</u>         | <u>Expenses</u>       |                              |
| Culinary Water Fund net change                   | 68,500.00              | 45,000.00             | 23,500.00                    |
| Beginning fund overage                           |                        |                       | 300,826.00                   |
|                                                  |                        |                       | <u>324,326.00</u>            |
| Overall fund overage contributed to fund balance |                        |                       | 324,326.00                   |

**Sewer Fund:**

|                                                                            | <u>Original Budget</u> | <u>Amended Budget</u> | <u>Increase / (Decrease)</u> |
|----------------------------------------------------------------------------|------------------------|-----------------------|------------------------------|
| <u>Revenue adjustments:</u>                                                |                        |                       |                              |
| Sewer Connection Fees                                                      | 45,000.00              | 55,000.00             | 10,000.00                    |
| Interest income                                                            | 4,000.00               | 6,000.00              | 2,000.00                     |
| Sewer Revenue                                                              | 1,055,000.00           | 1,070,000.00          | 15,000.00                    |
|                                                                            |                        |                       | <u>27,000.00</u>             |
| <u>Expenditure adjustments:</u>                                            |                        |                       |                              |
| Sewer Disposal Fees                                                        | 650,000.00             | 665,000.00            | 15,000.00                    |
| Depreciation                                                               | 285,000.00             | 295,000.00            | 10,000.00                    |
| (Sewer Line Improvement/Replacement along 2500 West - Depreciation amount) |                        |                       |                              |
| Capital Outlay                                                             | -                      | 250,000.00            | 250,000.00                   |
| (Sewer Line Improvement/Replacement along 2500 West)                       |                        |                       |                              |
| Move Capital to Balance Sheet                                              | -                      | (250,000.00)          | (250,000.00)                 |
| (This expense is capitalized and expensed through Depreciation Expense)    |                        |                       |                              |
|                                                                            |                        |                       | <u>25,000.00</u>             |
|                                                                            | <u>Revenue</u>         | <u>Expenses</u>       |                              |
| Sewer Fund net change                                                      | 27,000.00              | 25,000.00             | 2,000.00                     |
| Beginning fund shortage                                                    |                        |                       | (67,041.00)                  |
|                                                                            |                        |                       | <u>(65,041.00)</u>           |
| Overall fund deficit to come from fund balance                             |                        |                       | (65,041.00)                  |

## Garbage Utility Fund

|                                                | <u>Original Budget</u> | <u>Amended Budget</u> | <u>Increase / (Decrease)</u> |
|------------------------------------------------|------------------------|-----------------------|------------------------------|
| <u>Revenue adjustments:</u>                    |                        |                       |                              |
| Waste Collection Revenue                       | 1,108,560.00           | 1,123,560.00          | 15,000.00                    |
| Green Waste Collection Revenue                 | 93,600.00              | 103,600.00            | 10,000.00                    |
|                                                |                        |                       | <u>25,000.00</u>             |
| <u>Expenditure adjustments:</u>                |                        |                       |                              |
| Green Waste Collection Expense                 | 90,000.00              | 100,000.00            | 10,000.00                    |
|                                                |                        |                       | <u>10,000.00</u>             |
|                                                | <u>Revenue</u>         | <u>Expenses</u>       |                              |
| Garbage Fund net change                        | 25,000.00              | 10,000.00             | 15,000.00                    |
| Beginning fund overage                         |                        |                       | 1,732.00                     |
|                                                |                        |                       | <u>16,732.00</u>             |
| Overall fund deficit to come from fund balance |                        |                       | 16,732.00                    |

## Capital Improvements Fund:

|                                                | <u>Original Budget</u> | <u>Amended Budget</u> | <u>Increase / (Decrease)</u> |
|------------------------------------------------|------------------------|-----------------------|------------------------------|
| <u>REVENUE ADJUSTMENTS:</u>                    |                        |                       |                              |
| Franchise Tax                                  | 1,242,000.00           | 1,292,000.00          | 50,000.00                    |
|                                                |                        |                       | <u>50,000.00</u>             |
| <u>EXPENDITURE ADJUSTMENTS:</u>                |                        |                       |                              |
| Capital Projects                               | 75,000.00              | 125,000.00            | 50,000.00                    |
| (Police Department Re-roof project)            |                        |                       | <u>50,000.00</u>             |
|                                                | <u>Revenue</u>         | <u>Expenses</u>       |                              |
| Capital Improvements Fund net change           | 50,000.00              | 50,000.00             | -                            |
| Beginning fund shortage                        |                        |                       | (110,000.00)                 |
|                                                |                        |                       | <u>(110,000.00)</u>          |
| Overall fund deficit to come from fund balance |                        |                       | (110,000.00)                 |



# COUNCIL AGENDA

January 22, 2013

Agenda Item # f                      Discuss Councilmember Lisonbee's request for review of utility bill late fees.

## *Factual Summation*

- Any questions concerning this item may be directed at Finance Director Steve Marshall.

## **Statistical & Historical Information**

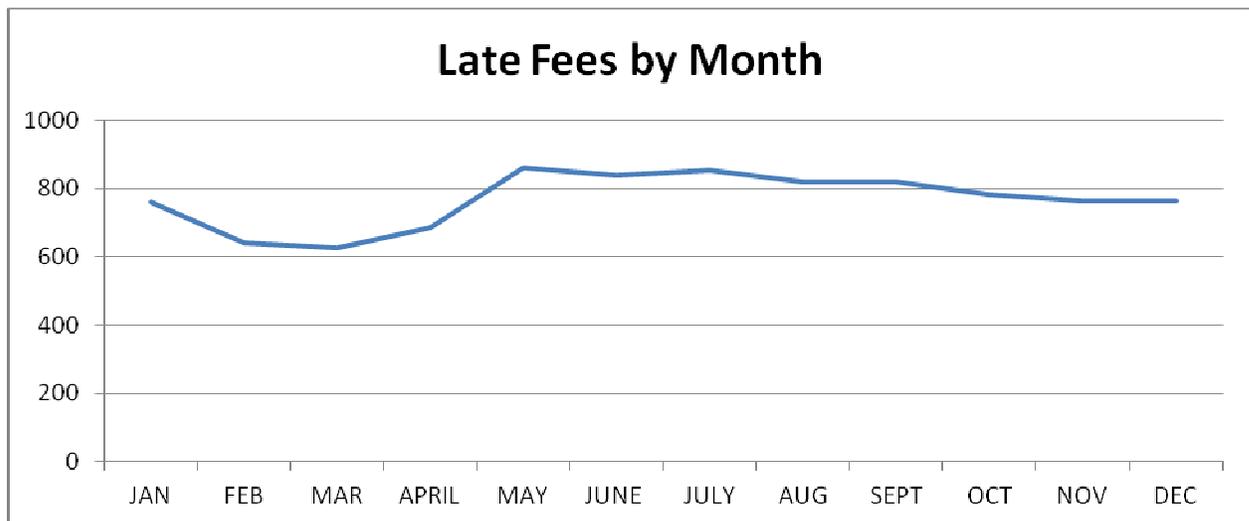
- Please see the attached spreadsheet titled “*2012 late fees and shut off numbers*”. The following discussion will highlight this spreadsheet.
- Syracuse City has now assessed a \$10 late fee for one complete year. Over this past year, there have been a total of 9,210 late payments. Utility bills are 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's 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**

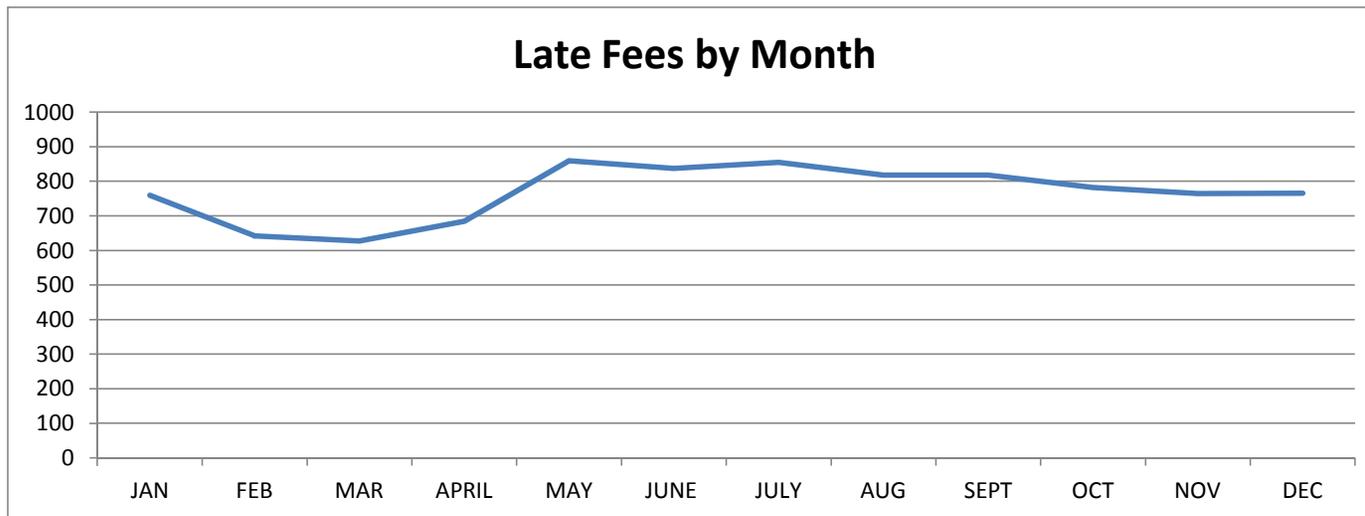
- Our \$10 late fee is below average when compared to other cities from the surrounding area.
- The number of late accounts has not declined since we implemented the late fee.
- Out of an average of 767.5 late fees assessed per month only 13.5 waivers were given per month.
  - This indicates that citizens 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%.

### **Recommendation:**

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.

### 2012 LATE FEES AND SHUT OFF NUMBERS

|                                 | JAN     | FEB     | MAR     | APRIL   | MAY     | JUNE    | JULY    | AUG     | SEPT    | OCT     | NOV     | DEC     | Average | TOTAL    |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| # OF ACCOUTS LATE FEES APPLIED  | 759     | 642     | 627     | 684     | 859     | 837     | 855     | 818     | 818     | 782     | 764     | 765     | 767.5   | 9210     |
| REVENUE GENERATED FROM FEE      | \$7,590 | \$6,420 | \$6,270 | \$6,840 | \$8,590 | \$8,370 | \$8,550 | \$8,180 | \$8,180 | \$7,820 | \$7,640 | \$7,650 | \$7,675 | \$92,100 |
| # OF WAIVED LATE FEES FOR MONTH | 0       | 1       | 25      | 15      | 5       | 14      | 19      | 13      | 20      | 16      | 19      | 15      | 13.5    | 162      |
| AMT OF REVENUE RETURNED         | \$0     | \$10    | \$250   | \$150   | \$50    | \$140   | \$190   | \$130   | \$200   | \$160   | \$190   | \$150   | \$135   | \$1,620  |
| TOTALS                          | \$7,590 | \$6,410 | \$6,020 | \$6,690 | \$8,540 | \$8,230 | \$8,360 | \$8,050 | \$7,980 | \$7,660 | \$7,450 | \$7,500 | 7540    | \$90,480 |
| # OF SHUT OFFS 2012             | 69      | 67      | 52      | 53      | 50      | 52      | 79      | 70      | 67      | 64      | 79      | 51      | 62.75   | 753      |
| # OF SHUT OFFS 2011             |         |         |         |         |         |         |         | 86      | 76      | 91      | 109     | 62      | 84.8    | 424      |



| NAME OF CITY    | LATE FEE POLICY                                                                                                                                                                                                                                                                                                                                                     | SHUT OFF POLICY                                                                                                                                                                                                                                           | WAIVE OF LATE FEE                                                       |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| SYRACUSE CITY   | ACCORDING TO OUR POLICY 4-3-3 IN OUR WATER APPLICATION AND AGREEMENT IT STATES IN PARAGRAPH 7, THAT IF THE UNDERSIGNED BECOMES DELINQUENT FOR MORE THAN 30 DAYS IN THE PAYMENT OF THE MONTHLY SERVICE CHARGE, UNDERSIGNER WILL PAY REASONABLE COST. CURRENTLY WE ARE SUPPOSE TO BE CHARGING AN 10.00 LATE FEE- HOWEVER CURRENTLY WE ARE NOT ENFORCING ANY LATE FEES | A PERSON MUST BE 2 FULL MONTHS AND BE APPROACHING INTO THEIR THRID MONTH OF DELINGUENT CHARGES. THERE IS 35.00 ADMINISTRATION FEE FOR FIRST TIME OCCURRENCE TO HAVE THEIR WATER TURNED BACK ON AND 50.00 ADMINISTRATION FEE FOR SECOND TIME OCCURRENCE(S) |                                                                         |
| CLEARFIELD CITY | \$10.00 FEE THE DAY AFTER THE BILL IS DUE                                                                                                                                                                                                                                                                                                                           | WILL SHUT WATER OFF 2 WEEKS FROM BILLING DUE DATE                                                                                                                                                                                                         | ONCE EVERY 3 YEARS                                                      |
| LAYTON CITY     | BI-MONTLY BILLING- \$5.00 FOR EACH MONTH PAST DUE                                                                                                                                                                                                                                                                                                                   | WILL SHUT OFF WATER IF RESIDENT IS 2 BILLING CYCLES BEHIND (4 MONTHS)                                                                                                                                                                                     | ONCE ON THE LIFETIME OF THE ACCOUNT                                     |
| SUNSET CITY     | \$10.00 FEE IF BILL IS NOT PAID BY THE 9TH OF THE FOLLOWING MONTH                                                                                                                                                                                                                                                                                                   | WILL SHUT OFF WATER IF RESIDENT IS 1 BILLING CYCLE BEHIND                                                                                                                                                                                                 | WILL NOT WAIVE FEE-EVER                                                 |
| WEST POINT CITY | \$15.00 FEE IF BILL IS NOT PAID BY THE 1ST OF THE FOLLOWING MONTH                                                                                                                                                                                                                                                                                                   | WILL SHUT OFF WATER IF RESIDENT IS 1 BILLING CYCLE BEHIND                                                                                                                                                                                                 | NO SET POLICY- CASE BY CASE BUT LIMIT ONLY TO 1 PER LIFETIME OF ACCOUNT |
| CLINTON CITY    | \$3.00 FEE IF BILL IS NOT PAID BY THE 1ST OF THE FOLLOWING MONTH                                                                                                                                                                                                                                                                                                    | WILL SHUT OFF WATER IF RESIDENT IS 1 BILLING CYCLE BEHIND- AS AN INCENTIVE TO GET RESIDENT TO PAY FULL AMOUNT (PAST DUE AND CURRENT BILL) THERE IS 35.00 RECONNECT FEE OR IF PAID IN                                                                      | WILL NOT WAIVE FEE-EVER                                                 |

|            |                                                                                                                                                             |                                                                                                        |                                                                         |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| ROY CITY   | BI-MONTHLY BILLING- \$25.00/35.00 IF BILL IS NOT PAID BY THE 19TH OF THE FOLLOWING MONTH. FIRST TIME FEE \$25.00 AND \$35.00 FEE FOR SUBSEQUENT OCCURRENCES | WILL SHUT OFF WATER IF RESIDENT IS 2 BILLING CYCLE BEHIND                                              | NO SET POLICY- CASE BY CASE BUT LIMIT ONLY TO 1 PER LIFETIME OF ACCOUNT |
| OGDEN CITY | \$15.00 FEE APPLIED THE MONDAY AFTER THE SECOND BILL GOES PAST DUE.                                                                                         | WILL SHUT OFF WATER IF RESIDENT IS 2 BILLING CYCLE BEHIND- AFTER FEE IS APPLIED THE FOLLOWING THURSDAY | ONCE ON THE LIFETIME OF THE ACCOUNT                                     |



SYRACUSE  
EST. CITY 1935

# Late Fees on Utility Bills

February 14, 2012

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SYRACUSE  
EST. CITY 1935

## FACTS

- Assessed late fee on February 7<sup>th</sup>, 2012 for all accounts that were past due.
    - 759 accounts were assessed a fee or \$7,590
    - Run a report that assesses the fees to all accounts past due all at once.
    - Little to no staff time required to assess fee.
  - The fee was assessed 13 days after the utility bills were due. Bills are due on the 25<sup>th</sup> of every month.
-



SYRACUSE  
EST. CITY 1935

# FACTS

- **Potential discussion of waiver of late fees:**
    - Benchmark against seven other cities:
      - Clearfield – waives late fee once every 3 years
      - Layton, West Point, Roy, & Ogden – waive late fees once on the lifetime of the account.
      - Clinton & Sunset - will never waive a late fee.
-



SYRACUSE  
EST. CITY 1935

## FACTS

- Items to consider when waiving a fee:
    - Staff time and resources needed to evaluate each waiver request and adjust each utility account individually.
      - May need to add additional staff to handle all of the potential waiver requests.
-



SYRACUSE  
EST. CITY 1935

# Recommendation

- Allow only one waiver on an account for the lifetime of the account.
    - There is a 10+ day grace period for people who forget to pay bill on the due date.
    - Minimize staff time in tracking and processing waivers.
-



# COUNCIL AGENDA

January 22, 2013

Agenda Item #g                      Discussion regarding Councilmember reports. (10 min.)

***Factual Summation***

- This item was added by Councilmember Peterson and Mayor Nagle.



## SYRACUSE CITY

### Syracuse City Council Special Meeting Agenda

**January 22, 2013 – immediately following the Work Session Meeting,  
which begins at 6:00 p.m.**

City Council Conference Room

Municipal Building, 1979 W. 1900 S.

1. Meeting called to order  
Adopt agenda
2. Approval of Minutes:
  - a. Work Session of January 31, 2012.
  - b. Work Session of December 11, 2012.
  - c. Regular Meeting of December 11, 2012.
  - d. Work Session of January 8, 2013.
  - e. Regular Meeting of January 8, 2013.
3. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property (roll call vote).
4. Adjourn

~~~~~

In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 17th day of January, 2013 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on January 17, 2013.

CASSIE Z. BROWN, CMC
SYRACUSE CITY RECORDER

**Members of the public who desire to offer a thought or invocation at Syracuse City Council Meetings shall contact the City Administrator at least two (2) weeks in advance of the meeting. Request will be honored on a first come, first serve basis. In the event there are no requests to offer a comment or prayer, the Mayor may seek opening comment or prayer from those members of the public attending the meeting or from City Staff or City Council.



COUNCIL AGENDA

January 22, 2013

Agenda Item #2

Approval of Minutes.

Factual Summation

Please see the draft minutes of the following meetings:

- Work Session of January 31, 2012
- Work Session of December 11, 2012
- Regular Meeting of December 11, 2012
- Work Session of January 8, 2013
- Regular Meeting of January 8, 2013

Any question regarding this agenda item may be directed at Cassie Brown, City Recorder.

Minutes of the Syracuse City Council Work Session Meeting, January 31, 2012.

Minutes of the Work Session meeting of the Syracuse City Council held on January 31, 2012, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Craig A. Johnson
D. Matthew Kimmel
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

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

City Employees Present:
Finance Director Steve Marshall
City Attorney Will Carlson

The purpose of the Work Session was for the Governing Body to receive public comment; receive a presentation regarding the potential refinance of 2008 Fire House Bond; receive elected officials training; discuss Resolution R12-02 adopted on January 10, 2012; and discuss Council Business.

Public comment

12:20:20 PM

Ryan Chandler stated he has been a resident of Syracuse since 1998 and he wanted to comment regarding the development going on near Syracuse High School. He stated that sometimes in an effort to find a solution to a problem it is surprising that some details can be missed; it is certain the same thing is happening with the development of the land near the High School. He stated he has found some substantial oversights related to this project; the actual benefit from this project will bring far less to the City's budget than "we" realize. He stated that it will employ very few of the City's citizens, bring aesthetically unattractive structures, provide the potential for physical harm from the industries doing business there, bring noise pollution, and create a venue that will promote drug trafficking and crime. He stated that he realizes the need for more revenue for a growing City, but the location for this type of development is inappropriate. He stated that it does not belong next to homes and high schools, even the developer himself admitted he would not want this development in front of his own home. He asked why that is. He then asked the Council to ask themselves if they would want it in their front yard. He noted Syracuse City will have many more opportunities to develop this land appropriately and he advised to never, ever take the first offer. He stated the City should be choosing the development plan that meets the City's zoning requirements, not

1 conform to a developer to quickly strike a deal and move on. He noted the citizens of Syracuse have chosen the Council to
2 represent them and he is very glad they are in office. He asked them to represent the citizens wants and listen to what they
3 are asking for; he encouraged them to put themselves in the shoes of the residents, especially those living on 700 South.

4 [12:21:50 PM](#)

5 Christy Whitman, 1648 W. Heritage Parkway, stated she would read for the record a letter she sent to the Mayor this
6 morning. "Dear City Councilmembers and Mayor: I am aware of the decisions you will be making in the upcoming weeks
7 regarding the zoning and development of the land next to Syracuse High School. I have some concerns I would like to share
8 with each of you. First of all, we met with Ninigret and spoke directly with the President of the company and as she has
9 researched more about light industrial parks throughout the State she has found that none of them are next to or near any
10 schools or homes. I am wondering what you as a committee are thinking in allowing this to go in so close to the High
11 School. It will potentially increase crime, which will in turn increase taxes and have nothing but negative results as far as I
12 can tell. Also, I would like to further understand what tax revenue you see will bring into the community. Has there been a
13 study done of what the amount will be and how it will affect our EMS services and road repairs. We cannot as a City
14 maintain our roads now and yet we are considering increasing the traffic on 1000 West and 700 South and the surrounding
15 areas. Second of all, I cannot understand what purpose an apartment complex or high density housing would serve. As far as
16 I can tell, all it is going to do is lower my property values, increase classroom sizes dramatically (which are already too large
17 for schools to handle), and increase crime in my neighborhood. I would much rather see homes and/or a park built on the
18 land which would greatly help the families that already live in this area. I was at the meeting with the Ninigret Corporation at
19 the High School a couple of weeks ago. They clearly said they are not even considering anything except their proposed plan,
20 which greatly concerns me. We as citizens of this community have the right to say what goes in next to our homes and our
21 schools; that is the point of the zoning laws. I understand the land is currently zoned for commercial and mixed land use;
22 however, I cannot see any benefit to our City if Ninigret's plan goes into effect." She then stated she wanted to echo Mr.
23 Chandler's comments that the citizens elected them to represent them and they do not want this near their homes or schools.

24 [12:24:30 PM](#)

25 Lisa Chandler, 1555 W. 700 S., stated she has heard many comments and has done her homework; she took a tour of
26 the Ninigret property in Salt Lake and in the 18 years that those structures have been standing they still look very nice, but
27 what those living on 700 South will see are all the semi trucks because they have to have south facing buildings. She stated

1 she will be listing to semis that will run all night long. She stated that in her research she found that even the State of
2 California will not allow any type of industrial park within a certain distance from schools. She stated that for Syracuse to
3 lower its standards and allow the development around the High School is humorous. She stated that relative to the apartment
4 complex, the City has already talked about it and voted on it and the thought that the City will lower its standards just to get
5 this developer in the community. . .she wondered if “we” would ever recommend that our children lower their standards
6 because this might be the best they can get. She stated that she would ask the Council to listen to what the citizens are
7 saying; it is interesting how many people are unaware of this project and the fact it is being pushed through so quickly. She
8 stated it would be nice if the citizens were more aware because all those she has talked to are appalled that this is happening
9 in the City. She stated the City has been around for over 75 years and she does not understand the sudden panic to try to
10 figure this out immediately. She suggested taking a step back to figure out what the City wants and then move from there.

11 [12:26:27 PM](#)

12 Brian Duncan, 902 S. 1875 W., stated that he has looked at some of the studies and he does not understand it all, but
13 he finds some disturbing trends and he wants to talk specifically about light industrial land use. He stated that he looked at
14 some comprehensive studies that have considered what happens to property values around commercial or residential areas
15 and he found that those areas can be significantly impacted by light industrial land use nearby. He stated that the impact on
16 housing is significant when the type of housing is not considered congruous with the type of development surrounding it. He
17 stated that what the City needs to ask is if the industrial area will actually be supported by the surrounding neighborhoods.
18 He stated that in looking at the area he can see that the houses are \$200,000 to \$400,000 houses and they are not congruous
19 with an industrial area. He stated that what the City is going to do is take the citizens of the City that have built homes in that
20 area with the theory that they would be living in a quiet neighborhood and drive down their property values, which means
21 they are going to lose and the City will lose as a result of driving down the tax base. He stated that the problem will just be
22 shifted. He stated the reason why “we” want an industrial area here is because it is more expensive to redevelop the
23 industrial area in Clearfield. He referenced the Freeport Center and stated it is not completely full and no one has taken the
24 time to redevelop it. He stated that the houses that were around the Center are gone because no one wants to live there
25 anymore. He stated that “we” are taking a problem that has developed over the years in Clearfield that has driven down the
26 value of the property there, and shifting it to Syracuse and what “we” will see 20 or 30 years down the road is that no one
27 will want to live here either because of the development of a light industrial area. He stated that once the value of the

1 development is no longer present they businesses will move somewhere else and ruin another neighborhood. He stated that
2 in other words, someone has an opportunity to develop and make money off the backs of the people of Syracuse and then
3 leave when they are done doing that, just like they have done with the Freeport Center in Clearfield.

4 [12:29:12 PM](#)

5 Bob VanVelkinburgh, 2081 W. Craig Lane, asked when the homes were built, was the land around the Syracuse
6 High School zoned for residential and later changed. Mayor Nagle stated the City will be having open house meetings about
7 this issue and the public can come forward with their concerns at this time. She stated that she wants to be clear that this
8 project came to the City and the City has been trying to facilitate a smooth process to balance everything that is happening
9 and coming at the City very quickly. She stated that part of the land in question is zoned for industrial use and has been for
10 quite some time, but she would like to invite the public to attend the open houses. She stated the developer has not even
11 presented a site plan to the City at this point, so there is a lot of speculation that is taking place. She stated there have been
12 discussions about general concepts, but no specifics. She stated that the project is still in the embryonic stage. She stated she
13 looks forward to meeting with the residents and getting their input and feedback as the process moves forward. She stated
14 she appreciates everyone coming to the meeting and she recognizes there is a concern. She stated that “we” all want to move
15 forward cautiously. She stated that “we” all moved to Syracuse for the same reason and they all enjoy living in the City. She
16 stated that she does not want to see the City destroyed and she wants to build sustainability into everything that is done.

17
18 [12:31:39 PM](#)

19 Presentation regarding potential refinance of 2008 Fire House Bond.

20 A staff memo from the Finance Director explained the City has an opportunity to refinance its 2008 MBA Lease
21 Revenue Bonds. Typically the industry standard for moving ahead with a bond refinance is 3% meaning the savings we
22 recognize from the refinance should exceed 3% of the refunded principal. In this case, we exceed this industry standard
23 because our projected savings is 3.83% of the refunded principal. We are at historic low interest rates. Another important not
24 is that the savings are computed after all the issuance costs have been paid. This means that the city would not have to pay
25 anything at the close of the refinance. We would wrap up the closing costs and costs of issuance into the repayment schedule.

1 This refinance would not extend the term of the bond; it simply keeps the same repayment schedule (in terms of years) and
2 saves about \$15,700 per year for over the life of the bonds. The memo closed with Mr. Marshall recommending the City
3 take advantage of the current environment and refinance these bonds.

4 [12:31:47 PM](#)

5 Mr. Marshall reviewed his staff memo, with some input from City Manager Rice.

6 [12:33:35 PM](#)

7 Council discussion regarding the issue ensued.

8 [12:36:55 PM](#)

9 After a short discussion the Council came to the consensus to move forward with the refinance.

10

11 [12:37:20 PM](#)

12 Elected Officials training.

13 A staff memo from the City Recorder explained that historically the City has provided some form of Elected
14 Officials Training soon after newly Elected Officials are sworn into office. Staff has arranged for Gary Crane, Counsel for
15 the Utah League of Cities and Towns, to attend the work session meeting scheduled for January 31, 2012 to provide training
16 on several important topics that are vital to the success of an Elected Official. Some of the topics that Mr. Crane will cover
17 include the Municipal Officers Ethics Act, Open and Public Meetings Act, and the Government Records Access and
18 Management Act. Councilmembers Johnson and Lisonbee have been provided with a current copy of the Elected Officials
19 Handbook from the ULCT. Please bring these books to the meeting with you as Mr. Crane will be referencing the book
20 frequently. I will order a new copy of the book for the rest of the Governing Body members and I will bring the books to the
21 meeting.

22 [12:37:43 PM](#)

23 Gary Crane then commenced his training. Throughout the training there were questions from Councilmembers that
24 led to various discussions. The training concluded at 7:16 p.m. ([1:33:11 PM](#))

25

26 [1:33:19 PM](#)

1 Discussion regarding Resolution R12-02 adopted on January 10, 2012.

2 A staff memo from the City Recorder explained that on Monday, January 23, 2012, she received an email from
3 Councilmember Lisonbee stating that she and Councilmember Johnson were requesting that an item be added to the work
4 session and business meeting agendas to discuss Resolution R12-02 adopted by the Council on January 10, 2012. The
5 Resolution included several appointments and assignments, including the appointment of Councilmember Shingleton to be
6 the City's representative on the North Davis Sewer District (NDSD) Board. Following the January 10 meeting there were
7 several discussions regarding the legality of that appointment. The entire Council was copied on emails sent by City Attorney
8 William Carlson regarding the issue. For this agenda item Ms. Brown provided the January 23 email sent by Councilmember
9 Lisonbee as well as the responses to that email as well as a copy of Resolution R12-02 that was adopted on January 10 and a
10 new Resolution R12-02 including the changes recommended by Mr. Carlson. Staff will be available to answer any questions
11 regarding this issue.

12 [1:33:35 PM](#)

13 Mr. Carlson led the discussion regarding this item and provided a summary of the legal opinion he sent to the
14 Council relative to the appointment to the NDSD.

15 [1:37:46 PM](#)

16 Councilmember Lisonbee then stated that she has some information that she feels could provide some clarification
17 on this issue. She stated that she has conducted a lot of research on this issue; she got in touch with the Utah Association of
18 Local Districts and talked with their attorney, Mark Anderson. She stated reviewed the legal opinion from Mr. Anderson.
19 Mr. Carlson noted he has not had the chance to opportunity Mr. Anderson's opinion so he cannot respond at this time.

20 [1:45:34 PM](#)

21 Mayor Nagle suggested that this item be tabled until the entire Council has the opportunity to review the legal
22 opinion Councilmember Lisonbee is referencing. She noted Mr. Carlson needs the opportunity to review this opinion in
23 addition to the other two legal opinions the City already has.

24 [1:46:40 PM](#)

25 Councilmember Lisonbee stated she would like to complete her presentation of the information she has worked so
26 hard to find. She stated it is new information and it is applicable.

1 [1:51:18 PM](#)

2 Mayor Nagle asked that Councilmember Lisonbee work with Mr. Carlson on this issue before determining how to
3 bring this back to the Council for resolution. She then reported she has started lobbying to get compensation taken away
4 from these types of positions because she finds it ironic that the only discussion the Council has is about this position. She
5 noted other cities are having the same issue, so the Council of Governments (COG) has talked about it wants to seek a way to
6 solve the problem. Councilmember Lisonbee stated she has already conducted research and there are many different
7 appointments she is concerned about. She stated she is doing this because she wants to follow the law and she does not care
8 about the compensation and she is not trying to get appointed to any of those positions that receive pay. She stated that she
9 thinks it is very important that the entire Governing Body understand the law and do their due diligence.

10 [1:53:58 PM](#)

11 Councilmember Kimmel asked Councilmember Lisonbee is Mr. Anderson charged a fee for his advice.
12 Councilmember Lisonbee answered no. She added that she also talked with a couple of other attorneys and they concurred
13 with Mr. Anderson's advice. Mr. Carlson stated that she is glad that Councilmember Lisonbee had time to talk to other
14 attorney's about Mr. Anderson's opinion; he would have liked an opportunity to view that opinion prior to this evening so
15 that he could have prepared a response. Councilmember Lisonbee stated that she has tried to communicate with Mr. Carlson
16 that the law he was quoting did not seem right, but instead of responding to her communication it seemed that Mr. Carlson
17 had already reached his conclusion. She stated that is why she sought other counsel; she was concerned the City was being
18 exposed because the City is not following the law. Mr. Carlson stated that was not intentional.

19 [1:55:21 PM](#)

20 Mayor Nagle asked to conclude the discussion; she asked Councilmember Lisonbee to discuss the issue further with
21 Mr. Carlson. Councilmember Shingleton suggested that the two do as much face to face conversation as possible regarding
22 this issue.

23

24 [1:56:06 PM](#)

25 Public comments

26 [1:56:27 PM](#)

1 Brent Andrews, no address given, stated he is on the Sunset City Council and his city has shared newspaper articles,
2 possibly written by the same reporter, with Syracuse City. He stated his city has an attorney who also disagrees with Mr.
3 King (NDSB legal counsel). He stated that Sunset followed the law when they had three Councilmembers vote to appoint
4 someone to the NDSB Board. He stated their attorney has said that they did not violate the law. He stated there will be a
5 proposal at the next Sunset City Council meeting scheduled for February 7 to take all the money paid by the NDSB Board to
6 the member serving as the City's representative, give the money to the city, and then equally divide it among the
7 Councilmembers. He stated he will propose that the Mayor does not get any of that money because he already earns twice
8 the amount paid to Councilmembers. He stated that his Mayor earns over \$700 per month and the Councilmembers earn
9 \$300 per month. He asked how much the Councilmembers in Syracuse City are paid. He then stated that may be something
10 the Syracuse City Council might want to consider doing as well rather than the Mayor donating the money she earns to
11 Wasatch Integrated Waste Management District (WIWMD). Mayor Nagle stated that is not what she is doing. She stated
12 she is taking the money paid to her by the WIWMD and donating it to the City's Recreation Department for them to use for
13 sports scholarships for local youth. Mr. Andrews stated that instead of donating the money to a non-profit organization the
14 council could give it to its members instead. Mayor Nagle asked Mr. Andrews if he is promoting putting more money in the
15 "Councilmember's pockets", to which Mr. Andrews answered "oh, sure, we need the money. I am on Social Security."

16 [1:58:17 PM](#)

17 TJ Jensen, 3242 S. 1000 W., stated he wanted to commend Antone Clark, Standard-Examiner reporter, on his
18 reporting on the City. He seems to be unbiased and less sensational in his articles. He noted however, that reporter Bryon
19 Saxton does not share that reputation. He stated that there was a controversial decision made a couple weeks ago and he
20 thought that Mr. Clark did a good job of reporting on both sides of that issue.

21 [1:59:07 PM](#)

22 Brian Duncan stated that he appreciates what Councilmember Lisonbee has brought to the attention of the Council;
23 he is a little disappointed that some wanted to table that discussion. He stated there are some people present that are
24 interested in those types of issues as well as open meetings and how they are conducted. He stated he does not see any
25 acrimony; he commends Councilmember Lisonbee for finishing what she had to say.

26
27 The meeting adjourned at 7:45 p.m. ([1:59:59 PM](#)).

City Council Work Session
January 31, 2012

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Jamie Nagle
Mayor
Date approved: _____

Cassie Z. Brown, CMC
City Recorder

Minutes of the Syracuse City Council Work Session Meeting, December 11, 2012.

Minutes of the Work Session meeting of the Syracuse City Council held on December 11, 2012, 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 (arrived at 6:12 p.m.)
Douglas Peterson
Larry D. Shingleton

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

City Employees Present:
City Attorney Will Carlson
Community Development Director Michael Eggett
Parks and Recreation Director Kresta Robinson
Fire Chief Eric Froerer
Police Chief Brian Wallace
Finance Director Steve Marshall
Public Works Director Robert Whiteley
Planner Sherrie Christensen

Visitors Present: Clint Sherman Tim DeHaan Justin Brown
Bridger Cook Ryan DeHaan Hayden Cynch
Alex Teeples Adam Crosby Nathan Niemann
Mike Norton

The purpose of the Work Session was for the Governing Body to review the agenda for the business meeting scheduled for 7:00 p.m.; receive a presentation regarding Chloe's Sunshine Park donation options; discuss City Cemetery burial fees; discuss the potential petition to disconnect cemetery property from Clearfield City; discuss culinary water meters/radio reads; review agenda items five, six, and seven on the business meeting agenda; and discuss Council Business.

Chloe's Sunshine Park donation options

6:00:17 PM

Parks and Recreation Director Robinson approached the Council and reviewed the PowerPoint presentation included in the Council Packet.

6:01:42 PM

Ms. Robinson reported the City will be selling bricks/pavers to be located at the park; individuals or businesses can buy a brick and have their name or business logo engraved on it. She reported the bricks will be sold for \$100 each. Mayor

1 Nagle asked if the price will be the same for both sizes, to which Ms. Robinson answered yes. Councilmember Shingleton
2 stated he thought that the price for the larger paver should be higher. Councilmember Peterson agreed and suggested
3 charging \$150 for the larger bricks that will have room for a business logo and \$100 for the smaller bricks. Mayor Nagle
4 agreed with that suggestion.

5 [6:02:47 PM](#)

6 Mayor Nagle asked if there will be information in the newsletter about how to purchase one of the pavers. Ms.
7 Robinson reported that she will advertise on the newsletter as well as on the City's website. She also reported on the options
8 citizens have for making monetary donations to the City.

9 [6:04:49 PM](#)

10 Councilmember Johnson inquired as to the name of the City's 501(C)(3) entity. Ms. Robinson stated it is the
11 Charitable Foundation of Syracuse City and it can be used for future projects as well.

12 [6:05:00 PM](#)

13 Councilmember Shingleton asked how the City raised money on the utility bill for the construction for the Museum.
14 Ms. Robinson stated the format of the utility bill was different when fundraising for the Museum was taking place. She
15 stated that people could check a box and dictate how much money they wanted to donate for the project.

16 [6:06:39 PM](#)

17 Councilmember Peterson stated that when the fundraising for the Museum was taking place the City conducted
18 various contests to see which areas of the City could raise the most money. He asked staff to brainstorm and see if they could
19 come up with those types of ideas for fundraising for this project. Ms. Robinson stated she would be happy to work on that
20 and her staff had talked about approaching local schools to see if they wanted to compete with one another to raise money for
21 the project.

22

23 Discuss City Cemetery fees

24 [6:07:23 PM](#)

25 A staff memo from Public Works Director Whiteley explained cemetery fees were last reviewed and adjusted by
26 city council in July 2011. The rates were updated to ensure they cover actual operating and maintenance costs. These fees are

1 reflected on the current Consolidated Fee Schedule. A request was made to the city to waive fees for infant burials. The
2 current fee is \$100 for a resident infant internment. Cemetery fees are established in order to cover operating costs, such as
3 record-keeping, mapping, online updating, agency and survivor coordination, internments, and ongoing maintenance of the
4 land. Regardless of the size of the internment and who the individual is, there are still costs that the city is responsible for in
5 order to properly and safely perform the necessary tasks. Fee comparisons were performed in July 2011. Our current fees
6 remain one of the lowest cost cemeteries in the area. The currently established fees are suitable for continued operation and
7 maintenance of the cemetery and city staff recommends that the fees remain unchanged.

8 [6:07:36 PM](#)

9 Mr. Whiteley reviewed his staff memo.

10 [6:08:36 PM](#)

11 Councilmember Peterson stated that he appreciates the comparison of Syracuse's fees to the fees charged in other
12 cities and he noted that Syracuse City's fee for infant burial is second to the lowest. Councilmember Johnson stated that he
13 looked at the fee for Farmington City and their fee is \$125 for the purchase of the lot and \$100 for the burial. He stated that
14 he is still of the opinion that the City should waive the fee.

15 [6:09:06 PM](#)

16 Councilmember Duncan stated that he has considered this request and he feels the City needs to be careful;
17 oftentimes people want government to take care of a lot of things, but he feels that charity starts with people in the
18 community and it would be difficult for the City to be in the business of deciding who needs charity and who doesn't. He
19 stated that should be more of a community function and if a family has a problem, people can pitch in as friends, families,
20 and neighbors rather than asking the City to bear the cost.

21 [6:10:10 PM](#)

22 Mayor Nagle asked if there is a desire to bring this item forward for a vote. Councilmember Shingleton stated that
23 the City's fees are in line with the fees charged in other cities and as long as that fee is only charged to cover the City's costs
24 he is comfortable. He stated that he thought the Council should review the fees and determine if they are appropriate and
25 research found that there are a handful of cities that charge the same fee as Syracuse.

26 [6:11:06 PM](#)

1 Fire Chief Froerer stated that something to consider may be that waiving this type of fee may set a precedent for
2 other fees, such as ambulance transport fees. He stated it is very sad if he transports an infant and the infant does not survive
3 and the family receives a bill for that service. He stated that there are costs associated with various services provided by the
4 City.

5 [6:11:52 PM](#)

6 City Recorder Brown added there is a section of the City Code that allows individuals to apply for a fee waiver and
7 those applications could be considered on a case-by-case basis by the Council.

8 [6:12:23 PM](#)

9 Mayor Nagle asked Councilmember Shingleton if he is comfortable with the current fee schedule, to which
10 Councilmember Shingleton answered yes.

11

12 Discuss potential petition to disconnect Cemetery property from Clearfield City

13 [6:12:40 PM](#)

14 A memo from City Attorney Carlson explained Syracuse owns property immediately north of the city cemetery
15 which is inside Clearfield's city boundaries. In the past, Syracuse has made efforts to make minor adjustments to its boundary
16 with Clearfield. Such adjustments are allowed to be negotiated by Utah Code §10-2-419. In a work session on June 19, 2012,
17 the Clearfield City Council unanimously declined to participate in a boundary adjustment. Syracuse anticipates eventually
18 converting the property north of the cemetery from farmland to expand the existing cemetery. Utah Code provides a separate
19 procedure for a property owner to disconnect land from a city. This memorandum outlines the procedure for a disconnection
20 as well as potential obstacles, including apparent restrictions on municipal use of the disconnection process. The boundary
21 between Clearfield and Syracuse is jagged, with the line running along 500 West, 1000 West, 1480 West, and 1525 West at
22 different locations. Along some sections of the border a road is entirely within one city while at other points the border runs
23 down the middle of the road. The recently considered Ninigret development is almost entirely in Syracuse, but it also
24 includes a small portion of land in Clearfield's city boundaries. Syracuse also owns farmland immediately north of the city
25 cemetery which is in Clearfield. This complicates efforts to maintain infrastructure along the border as well as development
26 opportunities. In an effort to increase clarity and streamline development for both cities, Syracuse staff spoke with
27 Clearfield staff about implementing some boundary adjustments. On June 19, 2012 the Clearfield City Council was asked

1 about this possibility during a work session. The Clearfield Council was not impressed with the suggestion. Clearfield
2 expressed several concerns, including: disappointment with improvements of 500 South near Barlow Park, development of a
3 subdivision in that area prior to completion of the street, the value of the cemetery property owned by Syracuse for residential
4 development, buffering for Clearfield residents, Syracuse' reputation for not being cooperative in issues along the border, and
5 not wanting to benefit the cemetery. Clearfield Council Minutes, June 19, 2012, pp. 5-6.

6 Utah Code anticipates two relevant methods of adjusting a border between cities: adjustments based on approval by
7 both cities, and disconnections based on the request of property owners. UCA §§10-2-419 and 10-2-501 through 510. "The
8 legislative bodies of two or more municipalities having common boundaries may adjust their common boundaries as
9 provided in [Utah Code 10-2-419]." UCA §10-2-419. Unfortunately, the Clearfield Work Session of June 19, 2012 suggests
10 Clearfield Council does not intend to pass any ordinance permitting a boundary adjustment. *See* Clearfield Council Minutes
11 above. Even so, state law does provide a method for property owners to disconnect their land from a city. Since Syracuse
12 owns some land in Clearfield city limits, the question was raised of whether the city could annex the land using the
13 disconnection method. The disconnection process begins with property owners [petitioner] filing a request for disconnection.
14 UCA 10-2-501(2)(a). That request must include four things:

- 15 1. The names, addresses, and signatures of the owners of more than 50% of the real property in the area proposed
16 for disconnection;
- 17 2. The reasons for the proposed disconnection;
- 18 3. A map or plat of the territory proposed for disconnection; and
- 19 4. One to five persons with authority to act on the petitioners' behalf in the proceedings. *Id* at (2)(b).

20 After filing the request, the petitioner must publish the request in the paper once a week for three weeks and deliver
21 the request to the Clearfield Council. *Id* at (3). The Clearfield Council must hold a public hearing and, within 45 days of the
22 hearing, decide whether or not to grant the disconnection. UCA §10-2-502.5. If the Clearfield Council denies the request, the
23 petitioner may file a petition to disconnect in District Court. *Id.* 1 If the Clearfield Council grants the request, only Davis
24 County can challenge the decision. UCA 10-2-502.5(5)(a)(ii). Assuming that the Clearfield Council denies the disconnection
25 and a petitioner files the petition, the Court is likely to hold a hearing on the matter. At that hearing, the petitioner must prove
26 four things by the preponderance of the evidence:

- 27 1. The viability of the disconnection;

- 1 2. That justice and equity require that the territory be disconnected from the municipality;
- 2 3. That the proposed disconnection will not:
 - 3 a. leave the municipality with an area within its boundaries for which the cost, requirements, or other
 - 4 burdens of providing municipal services would materially increase over previous years;
 - 5 b. make it economically or practically unfeasible for the municipality to continue to function as a
 - 6 municipality; or
 - 7 c. leave or create one or more islands or peninsulas of unincorporated territory; and
- 8 4. That the county in which the area proposed for disconnection is located is capable, in a cost-effective manner
- 9 and without materially increasing the county's costs of providing municipal services, of providing to the area the
- 10 services that the municipality will no longer provide to the area due to the disconnection. Utah Code §10-2-
- 11 502.7(3). In making a decision, the court would have to consider all relevant factors, including how the
- 12 disconnection will affect: the municipality or community as a whole, adjoining property owners, existing or
- 13 projected streets or public ways, water mains and water services, sewer mains and sewer services, law
- 14 enforcement, zoning, and other municipal services. *Id* at (4).

15 If the court orders the disconnection, it must also order the county to levy a tax on the property to compensate
16 Clearfield for costs of disconnection and a proportionate share of obligations accrued while the property was in Clearfield.
17 UCA §§10-2-506, 507. If Syracuse were to attempt to disconnect the property north of the cemetery from Clearfield, it
18 would face several obstacles. First, Clearfield’s lack of cooperation on the earlier boundary adjustment suggests that a
19 disconnection request is likely to be denied and end up in District Court. Second, Utah Code may prohibit cities from
20 engaging in disconnections as petitioners. Utah Code §10-2-510 states: “This part [about disconnections] may not be
21 construed to abrogate, modify, or replace the boundary adjustment procedure provided in Section 10-2-419.”

22 To the extent that Syracuse’s attempt to disconnect is an attempt to avoid obtaining the cooperation of Clearfield, it
23 is likely to be statutorily prohibited. In *Bluffdale Mountain Homes, LC v. Bluffdale City*, the Utah Supreme Court pointed
24 out that: The plain language of section 10–2–419(1) limits the boundary adjustment remedy to neighboring municipalities.
25 Section 10–2–419(1) states as follows: “The legislative bodies of two or more municipalities having common boundaries
26 may adjust their common boundaries as provided in this section.”⁶⁹ Only municipalities “having common boundaries” may
27 adjust their boundaries under this section *Bluffdale Mountain Homes, LC v. Bluffdale City*, 2007 UT 57, 167 P.3d 1016,

1 1037. In this context, a court could easily determine that since 10-2-419 only applies to municipalities, 10-2-510 prevents
2 municipalities from pursuing disconnection efforts. Syracuse would have to argue that it pursued an adjustment under section
3 419 only to be rebuffed by Clearfield and that accordingly the disconnection is not an abrogation, modification, or
4 replacement of section 419. No appellate courts in Utah have addressed such an argument. Syracuse would also have to
5 argue that it qualifies as a person under state code. Utah Code §10-2-501 defines petitioners as “persons who...own title to
6 real property within the area proposed for disconnection.” Case law has long recognized corporate personhood for the
7 purpose of protecting property owned by the corporation. *See Society for the Propagation of the Gospel in Foreign Parts v.*
8 *Town of Pawlet*, 29 U.S. 480 (1830).

9 The City Attorney was asked whether Syracuse can adjust the boundaries between Syracuse and Clearfield so that
10 the property owned by the city north of the cemetery would be inside Syracuse city limits. Based on a June work session in
11 Clearfield, a collaborative boundary adjustment seems unlikely. As a property owner, Syracuse could seek to disconnect the
12 property from Clearfield, but it is likely to face the same opposition. Moreover, state code on disconnections suggests that
13 cities may be precluded as property owners from disconnecting their land from other cities.

14 [6:12:40 PM](#)

15 City Attorney Carlson reviewed his staff memo.

16 [6:14:43 PM](#)

17 Mayor Nagle stated that the collaborative process started when she approached Mayor Wood and told him that
18 Syracuse has tried to annex the property into Syracuse and she explained to him that it is a burial ground and it will not
19 generate revenue for the City, but it would be nice for the Syracuse Cemetery to be in Syracuse. She stated that Mayor Wood
20 took the issue to his Council in 2011 and they were receptive, but over the past year there has been a change of sentiment and
21 they no longer feel that they want to entertain the idea. She stated there have been some comments that have been made by
22 some residents that have been hurtful to Clearfield and their current position is that the property will stay in the City.

23 [6:15:49 PM](#)

24 Councilmember Peterson asked how Mayor Wood and the Clearfield City Manager feel about the issue. City
25 Manager Rice stated that he has talked to the City Manager about the issue a number of times and he is not opposed to
26 allowing the disconnect, but he does not have a vote. Mayor Nagle stated that she has a lot of respect for Mayor Wood; he is
27 an amazing man that can do a lot of good things, but his comment to her was that the general consensus of the Council was

1 that the property would be annexed “over their dead bodies”. Councilmember Peterson asked if that is the feeling of their
2 Governing Body as a whole. Mayor Nagle stated that there were meetings of the working group assembled relative to the
3 State Road 193 project and there were some things said about Clearfield and her sense is that their Council is very
4 disappointed and they felt hurt and that stopped the collaborative process. She stated that she does not want to go forward
5 with the disconnect because it does not serve the City; she does not want to make any more adversarial relationships with
6 neighboring cities than already exist. Councilmember Johnson agreed; if there is already tension this will add more tension.

7 [6:17:26 PM](#)

8 Councilmember Shingleton suggested going back to Mayor Wood to see what the current feeling is. Mayor Nagle
9 stated that she called him last month and nothing has changed.

10 [6:17:33 PM](#)

11 Councilmember Duncan stated that it would be best for the entire cemetery to be located in Syracuse, but there
12 should be overtures of peace before proceeding with this process. Mayor Nagle stated that she wanted to be clear that Mayor
13 Wood was not adversarial at all. Councilmember Duncan stated there is some bad blood and he thinks the City should wait
14 for things to blow over. Mr. Rice agreed and added that it will eventually work itself out, most likely that will happen when
15 development of the property begins.

16 [6:18:39 PM](#)

17 Councilmember Duncan asked if the City pays the water bill to Clearfield. Mr. Whiteley explained how the
18 payment for water on the land works. He then explained that the entire Cemetery is not located in Clearfield; the existing
19 6.75 acres is located in Syracuse and the City purchased a 20-acre parcel in Clearfield to be used for future expansion.
20 Councilmember Duncan stated that if the City approaches Clearfield in the future to apply for development of the property
21 and Clearfield denies that request, that may enhance the City’s argument for disconnect. Mr. Carlson agreed and reiterated
22 that feelings about allowing the disconnect may change over the next few election cycles.

23 [6:20:01 PM](#)

24 Councilmember Peterson stated he feels that the Councilmembers can help to mend the relationship between the two
25 cities; if any member of the Council happens to run into a member of the Clearfield Council at a social or training function,
26 they could make an effort to bridge the gap. Councilmembers Johnson and Lisonbee agreed.

1 [6:20:27 PM](#)

2 Councilmember Shingleton inquired as to when expansion of the Cemetery will be necessary. Mr. Whiteley
3 explained the Cemetery is currently 1/3 occupied and other plots are already sold; 28 percent of the burial plots in the
4 existing Cemetery are still available. He stated that it may be 10 years before expansion is necessary.

5 [6:21:13 PM](#)

6 Mayor Nagle stated she feels that the consensus among the Council is to let this issue rest and not pursue a
7 disconnect at this time. The Council agreed.

8
9 [6:21:25 PM](#)

10 Discuss culinary water meters/radio reads

11 A staff memo from Finance Director Marshall explained City Staff has previously discussed with the Council the
12 idea of placing meters on secondary water to implement a bill for use system to help conserve irrigation water. This idea was
13 removed from consideration. This discussion will focus on our culinary water system and the possibility of placing a radio
14 read device on all culinary meters. This device would be capable of sending up-to-the minute real time information and data
15 to our utilities department and would allow the city to read meters instantaneously at any time during the year. This
16 information could also be available to each resident so they would have access to water usage at any time from a computer in
17 their home. We wanted to have an open conversation and get the Council's thoughts about implementing this type of
18 upgrade to the system. We want to discuss the Pro's and Con's about this type of project and have a candid discussion about
19 whether this would be the right decision for Syracuse City. Some of the Pro's and Con's for this project are as follows, this is
20 not an all inclusive list:

21 Pro's

- 22 • Year-Round Metering of water usage for all residents and businesses.
- 23 • Real time data accessible by citizens.
- 24 • Help with leak detection and water conservation.
- 25 • Citizens would not be billed all at once for high usage during winter months.
- 26 • Already have meters for culinary water and they are already installed.

- No seasonal employees to read meters during summer months.

Con's

- High start up costs for 6500 homes currently built in Syracuse.
- Ongoing maintenance costs of new system.
- Likely a 2-3 year phase in for project.

Estimated costs of a project can vary depending on the vendor we use, type of radio read system we install, and installation costs of the new system. A radio read device can vary in price from \$75 per unit to \$120 per unit. The software and system to support the radio read equipment could cost between \$70,000 and \$120,000. For our city of approximately 6,500 homes, the estimated cost to fully implement a system city wide would be anywhere from \$550,000 to \$900,000. This is a wide range because it is a rough estimate of costs. There are several entities that have already converted to a radio read system here in Utah. Some of these entities include Spanish Fork, Sandy, Nephi, Lehi, Highland, Bountiful, Murray, South Jordan, Payson, St. George, and Weber Basin Water. We have not contacted any of these cities to get their input on their radio read systems. The City Staff would like open discussion and direction from the City Council as to whether a project like this would be beneficial to the City.

[6:21:31 PM](#)

Mr. Marshall reviewed his staff memo with input from Mr. Whiteley and Mr. Rice.

[6:30:52 PM](#)

Councilmember Lisonbee stated that even if the City purchased the radio read system the City would still need to have an employee that would be responsible to monitor the information and alert citizens that they may be incurring a water usage overage. Mr. Rice stated that the system offers tools to provide customers automatic alerts of any issue with their account. Councilmember Lisonbee stated her concern is that this seems very expensive and she is not sure this is the right time to consider it.

[6:31:44 PM](#)

Councilmember Duncan stated there is a real advantage to installing the system before development starts up again.

[6:32:04 PM](#)

1 Mr. Whiteley stated the staff has not explored the idea in depth and staff is seeking direction from the City Council
2 regarding whether to proceed with getting more firm data relative to the costs of the system and program. Councilmember
3 Johnson stated that he does not want to explore the program because it is not a necessity at this time. Councilmember
4 Duncan stated that the net savings of implementing the program is only \$10,000 a year, with equates to a 55 to 90 year
5 payback for the system. He stated that he would like to add an article to the newsletter to get feedback from citizens
6 regarding the system; the only way the City will be able to pay for the system is to raise the water bill until it is paid for.
7 Councilmember Peterson stated the City has a lot of money in the culinary water fund. Councilmember Duncan agreed, but
8 stated that money can be spent elsewhere. Councilmember Johnson agreed and stated he would rather see the money spent
9 on other infrastructure needs in the City.

10 [6:33:06 PM](#)

11 Mr. Marshall stated the biggest cost associated with the culinary water system is the supply of water and it is hard to
12 quantify how much water will be conserved by the implementation of this system, but there is a projection that 10 percent of
13 the water supply is lost to leaks in the system.

14 [6:33:33 PM](#)

15 Councilmember Peterson agreed that his initial response that this is a system that would be nice to have, but is not a
16 true necessity, but as a Council that should be looking into the future, this is something they should consider. He stated that
17 if this system can save the City and residents water and money he thinks the citizens will support it. He stated that he talked
18 to a man that lives in Syracuse, but works for Farmington and they have a similar system in their City; it is not a fixed base
19 system and they still use a meter reader to obtain meter data. He stated the man loves the system and reported that they have
20 had no issues with it and the maintenance is very low; it also saves residents money. He asked the man if he would support
21 the system as resident of Syracuse and the man answered yes. He stated that the only con that he reported about the system
22 was the upfront cost, but he would still be willing to support it.

23 [6:34:45 PM](#)

24 Mayor Nagle asked if it would be easy for staff to come up with firm costs without an inordinate amount of
25 research. Mr. Marshall stated he could try to nail down some numbers further. Councilmember Duncan stated that he
26 struggles with the payback time frame for the system and he asked what will be happening in the City in 55 years. He stated
27 that he wondered if the system will even last that long and be relevant 55 years into the future. Mr. Rice stated that if the

1 City saves 10 percent of the current water supply that could equate to another \$40,000 in savings. Mr. Marshall added that an
2 additional \$1.00 fee on each resident's utility bill per month would raise the City \$78,000.

3 [6:36:00 PM](#)

4 Mayor Nagle asked if the City can conduct a request for proposal (RFP) process and then choose not to act on it if
5 the Council determines it does not make financial sense for the City at this time. Mr. Marshall stated that is an option.
6 Councilmember Duncan reiterated he would also like to include a survey in the newsletter about the system. Councilmember
7 Lisonbee stated that if that is done the survey needs to include factual numbers for the citizens to consider. She then stated
8 she has heard from residents that have said they would not like to see the program implemented; she has a neighbor that has a
9 pretty significant leak somewhere, but the City came in and said she does not have a leak inside of her house but for two
10 years she has been paying over \$200 per month for water and she has no idea where the leak is and she is frustrated by
11 paying that much money. She stated there is nothing she can do because she has been told there is not a leak and obviously
12 that would not be fixed by the installation of a radio read. Mr. Marshall stated that the City will not look inside a resident's
13 house to try to locate a leak; rather, an employee will inspect the City's portion of the line up to the meter to determine if
14 there is a leak. Mr. Whiteley agreed and noted that anything beyond the meter is the homeowner's responsibility.

15 [6:38:44 PM](#)

16 Councilmember Duncan stated that he would like the survey to ask citizens if they are interested in the program and
17 how they want to pay for it.

18 [6:39:15 PM](#)

19 Mayor Nagle suggested that the staff consider conducting an RFP process. Mr. Marshall stated he would work on
20 that. Mr. Whiteley stated the costs in the Council packet came from an RFP that the City did last year and bidders do not like
21 to provide firm data unless they feel like the requestor is serious about the project. Councilmember Shingleton suggested
22 approaching other cities to determine how much they paid for a similar system. Mayor Nagle stated she would like to see a
23 cost per household to implement the program.

24

25 [6:40:26 PM](#)

26 Review agenda item #5 – disposal of a parcel of real property

1 A staff memo from City Engineer Bloeman explained Syracuse Town acquired a “flag” lot in 1919 which the City
2 shop and rodeo arena currently occupy today. A 16.5’ wide strip extends from 2700 South Street south to the rodeo arena. In
3 1948 Syracuse Town acquired a second wider parcel to the west of their previous parcel from 2700 South Street south to the
4 rodeo arena. The current shop road lies within the parcel acquired in 1948. In doing so a gap of ±13 feet was left between the
5 two parcels, which to this day still remains unclaimed by the County. Adjacent property owners have a right to claim the
6 unclaimed property. In addition, a portion of the “flag” lot (0.13 acres) was quitclaimed by the City in
7 2006. Furthermore, the distance between the parcel previously quitclaimed in 2006 and Lot 1 of Syracuse Meadows
8 Subdivision Plat A is 60 feet. Staff is recommending to project the westerly line of the parcel previously quitclaimed in 2006
9 south to the southerly line of the Fox Haven development. The City will retain everything to the west of this line and Clinton
10 Sherman would be granted everything to the east. This will result in the following land being exchanged:

- 11 1. The City will grant ±0.26 acres of property it owns in fee to Clinton Sherman
- 12 2. The City will not contest Clinton Sherman claiming ±0.08 acres of unclaimed property
- 13 3. The City will claim ±0.14 acres of unclaimed property

14 In exchange for granting the land, Clinton Sherman has agreed to help the City improve 2400
15 West Street. The following is what has been agreed to:

- 16 1. Syracuse City will relinquish all rights to the property east of the projected easterly right-of-way line of 2400
17 West street through the Fox Haven Subdivision.
- 18 2. Clinton Sherman will not contest Syracuse City claiming the property west of the projected easterly right-of-
19 way line of 2400 West street.
- 20 3. Clinton Sherman will agree to pay up to \$1.20 per square foot to replace the asphalt on the west side of 2400
21 West in front of the development (As a result of utility installation and City Standards the east half of the road
22 will be required to be replaced with the development).
- 23 4. Syracuse City will pay for the road base under the asphalt (Clinton Sherman will pay for road base under the
24 portions of the road impacted by the Fox Haven Development).
- 25 5. Syracuse City will agree to install curb, gutter and repave from the north line of the Fox Haven to 2700 South
26 street.

1 Staff does not see this strip of land being utilized at any point by the City and is recommending it be disposed of as
2 excess property. This will bring the existing right-of-way along 2400 West to 45 feet. The additional right-of-way will be
3 acquired when the property to the west develops.

4 [6:40:44 PM](#)

5 Mr. Whitely reviewed the staff memo.

6 [6:44:03 PM](#)

7 Mayor Nagle stated it was a big priority to locate all the pocket pieces of land in the City and determine how to deal
8 with them; everyone on staff that has worked on that project has done a great job.

9

10 [6:44:17 PM](#)

11 Review agenda item #6, Hammon Acres Subdivision final approval

12 A staff memo from the Community Development Department explained the Planning Commission held a public
13 meeting on November 20, 2012 for Final Plan approval of Hammon Acres Subdivision. All items noted in staff report have
14 been addressed by the Planning Commission. Lots 101-103 are zoned R-2, while lot 104 is zoned A-1, which accounts for the
15 varied lot sizes in the subdivision. On December 20, 2012, the Syracuse City Planning Commission recommended that the
16 Syracuse City Council approve the Hammon Acres Subdivision, subject to the City staff reviews dated November 14, 2012.
17 The Syracuse City Planning Commission and CED Staff hereby recommend that the City Council approve the final plans for
18 the Hammon Acres Subdivision, located at approximately 1290 South 3700 West, subject to meeting all requirements of the
19 City's Municipal Codes and City staff reviews dated November 14, 2012.

20 [6:44:29 PM](#)

21 Community Development Director Eggett reviewed the staff memo.

22

23 [6:46:00 PM](#)

24 Review agenda item #7, Fox Haven Subdivision final approval

25 A staff memo from the Community Development Department explained the Planning Commission held a public
26 meeting on November 20, 2012 for Final Plan approval of Fox Haven Subdivision. All items noted in staff report have been

1 addressed by the Planning Commission. The only outstanding item is the land exchange necessary to properly dedicate the
2 full width of the road right-of-way (previous agenda item disposing of City owned property adjacent to 2400 West). Pursuant
3 to City Council approval of said exchange in correcting the surveying error gap, all requirements of sketch, preliminary and
4 final have been met. On December 20, 2012, the Syracuse City Planning Commission recommended that the Syracuse City
5 Council approve the Fox Haven Subdivision, subject to the City staff reviews dated November 11 & 16, 2012. The Syracuse
6 City Planning Commission and CED Staff hereby recommend that the City Council approve the final plans for the Fox
7 Haven Subdivision, located at approximately 2900 South 2400 West, subject to meeting all requirements of the City's
8 Municipal Codes and City staff reviews dated November 11 & 16, 2012.

9 [6:46:01 PM](#)

10 Mr. Eggett reviewed the staff memo.

11
12 [6:47:54 PM](#)

13 Council business

14 There was no Council business.

15
16
17 The meeting adjourned at [6:48:00 PM](#)

18
19
20
21 _____
22 Jamie Nagle
23 Mayor

Cassie Z. Brown, CMC
City Recorder

24
25 Date approved: _____

Minutes of the Syracuse City Council Regular Meeting, December 11, 2012.

Minutes of the Regular Meeting of the Syracuse City Council held on December 11, 2012, at 7:00 p.m., in the Council Chambers, 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 D. Rice
City Recorder Cassie Z. Brown

Department Heads Present:
Finance Director Steve Marshall
Police Chief Brian Wallace
Fire Chief Eric Froerer
Parks and Recreation Director Kresta Robinson
Community Development Director Mike Eggett
Public Works Director Robert Whiteley

Visitors Present: Mary Anne Byrd Gerald Jacobs Mike McBride
Delani Stacks Jody Jones Ray Zaugg
Jerry Guffey Jodyn Wallace

1. Meeting Called to Order/Adopt Agenda

7:02:33 PM

Mayor Nagle called the meeting to order at 7:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Johnson provided an invocation. Boy Scout Jeremy Bosworth representing Troop 376 then led all present in the Pledge of Allegiance.

7:05:19 PM

COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

7:05:27 PM

2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Elias Stuart and Taylor Rawlings.

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with Jeff Gibson, present the recipients for the "Syracuse City & Wendy's Award for

1 Excellence”. This monthly award recognizes the outstanding performance of a male and female who excel in athletics,
2 academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at
3 a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City
4 Newsletter, City’s Facebook and Twitter Feed, and City’s website; be featured on the Wendy’s product television; and
5 receive a \$10 gift certificate to Wendy’s.

6 [7:05:32 PM](#)

7 Mayor Nagle stated these students are nominated by people that are in the position to mentor and teach them and
8 understand what remarkable kids they are. She stated the first nominee is Elias Stuart, who attends Buffalo Point Elementary
9 School. She stated that he was recognized for outstanding achievement as a natural leader. She then read the statement from
10 his teacher that nominated him as follows: “Elias is a natural leader. He has a unique ability for respecting others and being
11 an advocate for those that need help. His teacher says that Elias is the kindest kid she has ever met. He defends others and
12 sets a good example for all. Elias has also achieved great success at the Pinnacle Academy of Martial Arts where he studies
13 Karate. Some skills that it would take others to master in years, Elias has mastered in a couple of months. Elias is a perfect
14 example of our school motto: “Bringing Out the Best in Everyone!” He does this by giving his best effort, keeping a positive
15 attitude and encouraging others. We nominate Elias Stuart for Syracuse City and Wendy’s Award for Excellence Student of
16 the Month”. Mayor Nagle asked Mr. Stuart to come forward and receive his award as well as shake the hands of the
17 Councilmembers. Mr. Stuart received a round of applause from the audience.

18 Mayor Nagle then stated the second nominee is Taylor Rawlings, who also attends Buffalo Point Elementary
19 School. She read what Ms. Rawlings teacher said about her as follows: “Taylor Rawlings wants to be a writer when she
20 grows up. She works on her writing daily and tries to improve her vocabulary to make her stories interesting and descriptive.
21 Her teacher says she is already an author and is working on her 25th book. She even illustrates her own stories. This year
22 Taylor submitted a picture with a story for the PTA Reflections contest and won at our school. Her teacher describes Taylor
23 as a marvelous student that is polite and possesses strong leadership skills. Taylor is a remarkable 3rd grade student at
24 Buffalo Point Elementary and we proudly nominate her for the Syracuse City and Wendy’s Award for Excellence Student of
25 the Month.” Ms. Rawlings also received a round of applause and shook the hand of each Councilmember.

1 Mayor Nagle stated that the City is fortunate to have such great kids living in the community as well as great
2 families that support them; it really does take a village to raise a child and this is evidence that this community is doing a
3 great job of that.

4

5 [7:10:11 PM](#)

6 3. Approval of minutes.

7 The minutes of the Work Session and Business Meetings of November 13 and the Special Meeting of November 20,
8 2012 were reviewed.

9 [7:10:19 PM](#)

10 COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES OF THE WORK
11 SESSION AND BUSINESS MEETING OF NOVEMBER 13, 2012 AND THE SPECIAL MEETING OF NOVEMBER 20,
12 2012 AS AMENDED. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

13 Councilmember Lisonbee stated that she suggested some minor changes to the minutes prior to the meeting, but she
14 was not able to discuss one change with the City Recorder Brown and that is as follows: amend the work session minutes of
15 November 13, page 8, line 23, change the word “requests” to “represents”.

16

17 [7:10:53 PM](#)

18 4. Public comment.

19 [7:11:06 PM](#)

20 TJ Jensen stated that he wanted to make a quick comment about the item on the agenda to appoint Curt McCuiston
21 to a full Planning Commission member from his position as an alternate member. He stated that he made a comment about
22 Mr. McCuiston’s service several months ago when he was appointed as an alternate member and nothing has changed since
23 then; he is an awesome Commissioner who is very attentive and very knowledgeable and he brings a lot to the Commission.
24 He stated he is glad to see that he is being recognized; the only thing he would suggest is to extend the length of his term an
25 additional year so that it expires in 2016, just as his term as an alternate would have expired. He stated that Mr. McCuiston
26 is a huge asset and having him on the Commission for an additional year would be nice.

27

1 [7:12:14 PM](#)

2 Mary Ann Bird stated that she has lived in Syracuse for 30 years and her husband was born here; there have been a
3 lot of changes. She stated that it was a fantastic place to live 30 years ago and it is o.k. now, though it has gotten big. She
4 stated that she would like to talk about Mayor Nagle; she reads the paper and she is on the internet and all she hears is how
5 bad the Mayor is. She stated that she has lived here to see many Mayors and if she had to pick one that has made a good
6 difference in the City it is Mayor Nagle. She stated that she does not like President Obama and one of the things that really
7 gripes her is that he inherited everything. She stated that Mayor Nagle inherited a lot, too; like two traffic circles the City did
8 not need, though the one on Bluff Road has provided improvements. She stated the tunnel under 1700 South is another
9 example; it has never been usable, it cost the City millions in grant matching funds. She then referred to Jensen Park, which
10 is a beautiful park that a lot of people use, but it was built in a place where it should not have been built. She noted Bluff
11 Road has been designated for over 80 years as the preferred route for the West Davis Corridor, but now there are houses that
12 should not have been built as well as Jensen Park. She stated she wondered why that is Mayor Nagle's fault since she was
13 not here when any of that happened and she is sure the City is still paying for Jensen Park. She then referred to the City
14 budget; the Mayor also inherited the budget, though since taking over she has discovered some budget issues that she has
15 addressed. She stated that she researched Mayor Nagle before voting for her; she is a Republican and she was not planning
16 on voting for a Democrat until she read Mayor Nagle's history and found several great things she did in this State long before
17 she came to Syracuse. She stated she wants the people to know that Mayor Nagle has done a good job and she is tired of
18 hearing all the bickering. Mayor Nagle informed Ms. Bird that her time has expired. Ms. Bird stated that Mayor Nagle has
19 done a good job and she appreciates it.

20

21 [7:15:57 PM](#)

22 Ryan Chandler stated that with Syracuse becoming a regular topic discussion as of late, he has become tired of the
23 growing reputation the City has earned; it seems to be wasting more time arguing than making forward progress. He stated
24 that every time he or a family member opens the newspaper they read more about the dirty laundry in the town than about
25 anything being accomplished. He stated that, with that in mind, it has never been more important that the City officials avoid
26 even the very appearance of partiality that would lend itself to a conflict of interest. He stated that he hopes the Council will
27 understand that he is bothered when hears that developers like Ninigret invite City leadership to company Christmas parties

1 and other personal events. He stated he does not know whether that is true, but he hates that he heard it and he hopes it is just
2 a rumor; what is worse is that there is a rumor that some actually attended the party. He stated that although the gesture is
3 nice the appearance of City government at this type of event represents the wrong kind of image for the City, especially at a
4 time when the City is under such scrutiny; people might get the wrong idea is what concerns him. He stated that whether or
5 not the City leadership is on the Ninigret payroll, like their employees that a party may be appropriate for, he would certainly
6 hope for better representation from the City leadership. He stated it is his hope that if any further questioning is done about
7 the appropriateness of anyone serving on the City Council or Planning Commission, that those doing the questioning first
8 take a look at leadership from the top; attitude reflects leadership.

9
10 [7:17:54 PM](#)

11 5. Public Hearing – Authorize Administration to dispose of a parcel of real property adjacent to 2400 West.

12 A staff memo from City Engineer Bloeman explained Syracuse Town acquired a “flag” lot in 1919 which the City
13 shop and rodeo arena currently occupy today. A 16.5’ wide strip extends from 2700 South Street south to the rodeo arena. In
14 1948 Syracuse Town acquired a second wider parcel to the west of their previous parcel from 2700 South Street south to the
15 rodeo arena. The current shop road lies within the parcel acquired in 1948. In doing so a gap of ±13 feet was left between the
16 two parcels, which to this day still remains unclaimed by the County. Adjacent property owners have a right to claim the
17 unclaimed property. In addition, a portion of the “flag” lot (0.13 acres) was quitclaimed by the City in
18 2006. Furthermore, the distance between the parcel previously quitclaimed in 2006 and Lot 1 of Syracuse Meadows
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- 5 3. Clinton Sherman will agree to pay up to \$1.20 per square foot to replace the asphalt on the west side of 2400
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- 8 4. Syracuse City will pay for the road base under the asphalt (Clinton Sherman will pay for road base under the
- 9 portions of the road impacted by the Fox Haven Development).
- 10 5. Syracuse City will agree to install curb, gutter and repave from the north line of the Fox Haven to 2700 South
- 11 street.

12 Staff does not see this strip of land being utilized at any point by the City and is recommending it be disposed of as
13 excess property. This will bring the existing right-of-way along 2400 West to 45 feet. The additional right-of-way will be
14 acquired when the property to the west develops.

15 [7:18:08 PM](#)

16 Public Works Director Whiteley summarized the staff memo and provided an overview of the agenda item.

17 [7:21:28 PM](#)

18 Mayor Nagle convened the public hearing.

19 [7:21:37 PM](#)

20 TJ Jensen stated he thinks the proposal of trading land for the developer installing asphalt on the road is a fair trade
21 and will create a win-win for the City. He stated that this is an area of the City where a few property lines are incorrect and
22 there are some other issues in addition to this that will need to be dealt with as a result. He stated he thinks correcting that
23 error is a good idea.

24 [7:22:32 PM](#)

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

26 [7:22:41 PM](#)

1 COUNCILMEMBER LISONBEE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE OF
2 A PARCEL OF REAL PROPERTY LOCATED ADJACENT TO 2400 WEST. COUNCILMEMBER DUNCAN
3 SECONDED THE MOTION.

4 [7:22:51 PM](#)

5 Councilmember Duncan stated he agrees with Mr. Jensen's comments that this is a win-win situation for the City.
6 He stated that the City will get a road built in exchange for the trade of property the City cannot use at this point in time.

7 [7:23:05 PM](#)

8 Mayor Nagle stated there has been a motion and a second to authorize the disposal of the property; she called for a
9 vote. ALL VOTED IN FAVOR.

10

11 [7:23:08 PM](#)

12 6. Final Approval, Hammon Acres Subdivision, located at approximately 1290 South 3700 West.

13 A staff memo from the Community Development Department explained the Planning Commission held a public
14 meeting on November 20, 2012 for Final Plan approval of Hammon Acres Subdivision. All items noted in staff report have
15 been addressed by the Planning Commission. Lots 101-103 are zoned R-2, while lot 104 is zoned A-1, which accounts for the
16 varied lot sizes in the subdivision. On December 20, 2012, the Syracuse City Planning Commission recommended that the
17 Syracuse City Council approve the Hammon Acres Subdivision, subject to the City staff reviews dated November 14, 2012.
18 The Syracuse City Planning Commission and CED Staff hereby recommend that the City Council approve the final plans for
19 the Hammon Acres Subdivision, located at approximately 1290 South 3700 West, subject to meeting all requirements of the
20 City's Municipal Codes and City staff reviews dated November 14, 2012.

21 [7:23:16 PM](#)

22 Community Development Director Eggett summarized the staff memo.

23 [7:24:22 PM](#)

24 Councilmember Peterson asked if any of the requirements being placed on the developer need to be included in the
25 motion to grant final approval. Mr. Eggett suggested that the motion language state that the final approval is being granted
26 subject to requirements of the Syracuse City Municipal Code and the staff report.

1 [7:24:35 PM](#)

2 COUNCILMEMBER PETERSON MADE A MOTION TO GRANT FINAL APPROVAL FOR THE HAMMON
3 ACRES SUBDIVISION, LOCATED AT APPROXIMATELY 1290 SOUTH 3700 WEST, SUBJECT TO MEETING
4 REQUIREMENTS OF SYRACUSE CITY MUNICIPAL CODE AND STAFF RECOMMENDATIONS.
5 COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

6

7 [7:24:58 PM](#)

8 7. Final Approval, Fox Haven Subdivision, located at approximately 2900 South 2400 West.

9 A staff memo from the Community Development Department explained the Planning Commission held a public
10 meeting on November 20, 2012 for Final Plan approval of Fox Haven Subdivision. All items noted in staff report have been
11 addressed by the Planning Commission. The only outstanding item is the land exchange necessary to properly dedicate the
12 full width of the road right-of-way (previous agenda item disposing of City owned property adjacent to 2400 West). Pursuant
13 to City Council approval of said exchange in correcting the surveying error gap, all requirements of sketch, preliminary and
14 final have been met. On December 20, 2012, the Syracuse City Planning Commission recommended that the Syracuse City
15 Council approve the Fox Haven Subdivision, subject to the City staff reviews dated November 11 & 16, 2012. The Syracuse
16 City Planning Commission and CED Staff hereby recommend that the City Council approve the final plans for the Fox
17 Haven Subdivision, located at approximately 2900 South 2400 West, subject to meeting all requirements of the City's
18 Municipal Codes and City staff reviews dated November 11 & 16, 2012.

19 [7:25:03 PM](#)

20 Mr. Eggett reviewed the staff memo.

21 [7:25:49 PM](#)

22 COUNCILMEMBER LISONBEE MADE A MOTION TO GRANT FINAL APPROVAL FOR THE FOX HAVEN
23 SUBDIVISION, LOCATED AT APPROXIMATELY 2900 SOUTH 2400 WEST. COUNCILMEMBER JOHNSON
24 SECONDED THE MOTION; ALL VOTED IN FAVOR.

25

26 [7:26:07 PM](#)

1 8. Proposed Resolution R12-27 appointing Curt McCuiston to the Syracuse City Planning Commission with his
2 term expiring on June 30, 2015.

3 A staff memo from the Community Development Department explained on November 21, 2012, Planning
4 Commissioner Gregory Day submitted his notice of resignation from the Planning Commission to City leadership and stated
5 it was due to personal reasons and responsibilities in his life. The term of this vacancy is scheduled to expire on June 30,
6 2015, which is in line with an effort to maintain established term rotations for commissioner appointments. In June of 2012,
7 Commissioner Curt McCuiston was reappointed to serve Syracuse City as an alternate member of the Planning Commission.
8 Curt McCuiston has continued serving on the Commission in a very insightful and beneficial way. The Mayor is
9 recommending that the City Council support the appointment of Curt McCuiston to serve as a member of the Planning
10 Commission by filling Mr. Day's vacancy on the Commission. Members of the Planning Commission have also expressed
11 interest in having Commissioner McCuiston serve as a member of the body and not as an alternate member. Commissioner
12 McCuiston has affirmed his interest and intent to fill this vacancy if appointed to serve in this capacity. Additionally, the
13 Community and Economic Development Department fully endorses and is in support of the Mayor's proposed appointment
14 of Curt McCuiston to fill Mr. Day's vacancy on the Planning Commission. Commissioner McCuiston has brought a great
15 balance of knowledge, opinions, and expertise to the Planning Commission and the CED Department looks forward to
16 continuing its relationship with him. For your use and review, City Staff has provided resolution 12-27 that supports the
17 aforementioned appointment of Curt McCuiston to fill the Planning Commission vacancy. The Community and Economic
18 Development Department hereby recommends that the Mayor and City Council show their continued support for
19 Commissioner McCuiston by approving his appointment to fill a currently vacant position on the Planning Commission.

20 [7:26:19 PM](#)

21 COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-27
22 APPOINTING CURT MCCUISTION TO THE PLANNING COMMISSION WITH HIS TERM EXPIRING JUNE 30,
23 2015. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

24 [7:26:42 PM](#)

25 Councilmember Shingleton stated he has worked with Mr. McCuiston on a project committee and he did a
26 wonderful job and knew what he was talking about; he brings a wealth of knowledge to the City.

27 [7:26:56 PM](#)

1 Councilmember Lisonbee asked if Mr. McCuiston is replacing past-Commissioner Greg Day. Mr. Carlson
2 answered yes and noted that is cited in the Resolution document.

3 [7:27:12 PM](#)

4 Councilmember Peterson referenced Mr. Jensen's earlier comments and asked if there is another vacant position
5 with a term lasting one year longer than the position Mr. McCuiston is being appointed to. Councilmember Johnson stated
6 he thought that the term of the other vacant position is actually shorter. Mr. Eggett stated that there are seven Planning
7 Commission positions that have terms that expire on a rotating basis. He stated that terms are four years in length and two
8 terms expire each year; Mr. Day's term was set to expire in 2015 and Commissioner McCuiston was appointed to an
9 alternate position, which was set to expire in 2016. He stated that in order to maintain the continued cycling staff
10 recommended that Mr. McCuiston be appointed to fill the position that is set to expire in 2015. Councilmember Peterson
11 thanked Mr. Eggett for that explanation. Mayor Nagle stated that she is following the recommendation of staff.

12 [7:28:05 PM](#)

13 Mayor Nagle stated there has been a motion and a second to adopt the Proposed Resolution; she called for a vote.
14 ALL VOTED IN FAVOR.

15

16 9. Consideration of removal of a Planning Commissioner.

17 [7:28:19 PM](#)

18 Mayor Nagle stated that she has been contacted by many people in the City relative to this item. She stated this is a
19 recommendation of her own doing. She explained she was at a meeting last month and someone sitting next to her showed
20 her some posts that had been made by a member of the City's Planning Commission; there were three separate posts and all
21 of them were in reference to the City Attorney, though they were not in reference to the way he did his job and instead they
22 referenced who he is as a person. She stated that when that Planning Commissioner was questioned by the media he then
23 said he was coming after the City Attorney because he did not do a good job; therefore, the City Manager asked for specific
24 instances because he believes in accountability and if there were issues of performance he wanted to address those. He stated
25 that the Planning Commissioner was asked on several occasions for specific information and no information was ever
26 provided as to why he would be upset with the City Attorney for not doing his job. She stated the next area of concern
27 arrived from the fact that the same Planning Commissioner was making accusations against the City Recorder and she

1 wanted to ask Ms. Brown to provide her recollection of the events. She stated that one of the three posts made about the City
2 Attorney has been included in the packet and the post made about Ms. Brown has been included as well. She asked Ms.
3 Brown again to provide background information.

4 [7:30:22 PM](#)

5 Ms. Brown explained that she had someone contact her and tell her that there was a post made on the Syracuse
6 Facebook page saying that the Mayor had made a comment in a City Council meeting about not trusting the City Council and
7 if that comment was not included in the record of that meeting “you could blame Cassie Brown”. She stated that she logged
8 onto the Facebook page and read the comment for herself. She explained that approximately two weeks later the Planning
9 Commission and City Council were both holding meetings on the same night and she ran into Commissioner Pratt in the
10 hallway and she told him that she had seen the comment that he made about her and she wanted to let him know that the City
11 Council minutes are not verbatim and are instead abbreviated as a result of a resolution the City Council passed in the
12 summer. She stated that Mr. Pratt said he did not remember making the post and that he did not think he would have made
13 that kind of comment because he attended the City Council meeting during which the Council adopted the resolution
14 declaring minutes to be in an abbreviated format. She stated that she was surprised to read comments made by Mr. Pratt the
15 next day where he said that Ms. Brown had contacted him and said that the minutes were abbreviated which is legal speak for
16 “I will not include information in the minutes that I do not deem necessary”. She stated that she did not ask the Mayor to
17 defend her on this issue, but she would like the opportunity to defend herself. She stated that she takes those kinds of
18 allegations very seriously; she has been working as a City Recorder for nearly 10 years and she has never had a resident of
19 Governing Body accuse her of providing improper records for the City or removing vital information from a record. She
20 stated she was very insulted by the comments and she was insulted that Mr. Pratt would not address the issue face to face and
21 instead went home and updated his post to try to slam her further.

22 [7:33:06 PM](#)

23 City Manager Rice stated that he is Ms. Brown’s supervisor and he wanted to read Mr. Pratt’s post about her from
24 the Council packet for the record. “It should be noted that Cassie Brown contacted me and said the minutes are abbreviated,
25 which is legal speak for I will delete most objectionable verbiage I deem unnecessary from the minutes. You draw your own
26 conclusion.”. He stated that if that were true he would have no choice to recommend the dismissal of Ms. Brown to the City
27 Council and she would no longer be certified by the professional organizations that oversee City Recorders and Clerks. He

1 stated that she would likely no longer be able to get work as a City Recorder in another city if it were true that she actually
2 deleted the most objectionable language that she deemed so. He stated that is clearly an objectionable statement; for an
3 appointed member of the City to accuse the staff of that without any evidence is very serious in his book. He reiterated that if
4 that were something that were true, which he knows it not correct, he would recommend her dismissal and the revoking of
5 her certifications.

6 [7:34:29 PM](#)

7 Mayor Nagle stated that ultimately this is the second time there has been an issue with this same Planning
8 Commissioner. She stated that she brought this same recommendation forward to the Council in the past when the same
9 Planning Commissioner went on record and apologized publicly to the Commission for a comment that he made to a
10 developer that he would vote against a project to “bitch slap” the Mayor; not because he did not want the project but because
11 he just did not like the Mayor. She stated that she put her name on a ballot and she will take the kind of treatment that has
12 been given even though it is uncalled for, but she believes when one puts their name on a ballot they must be willing to take a
13 little more flack. She stated that free speech is the corner stone of this great country and she believes in it, but she also
14 believes that it has consequences and when a representative of the City represents the City in this manner, that is when the
15 line is crossed. She stated that the first time it happened, even though there was not a will of the Council to remove him, it
16 should have been a wake-up call to him that he is a representative of the City and though he has free speech he also has the
17 responsibility to act in a professional manner. She stated that is any member of the Council were to behave in a similar
18 manner at their place of employment they would recognize that their free speech would result in punishment up to
19 termination. She stated that it is with that background that she would request a motion to remove Planning Commissioner
20 Gary Pratt.

21 [7:36:09 PM](#)

22 Councilmember Peterson stated he was willing to make a motion so that the Council can have discussion about this
23 issue.

24 COUNCILMEMBER PETERSON MADE A MOTION TO REMOVE GARY PRATT FROM THE PLANNING
25 COMMISSION.

26 Councilmember Peterson’s motion died for lack of a second.

27 [7:36:32 PM](#)

1 Councilmember Peterson asked if there is still an opportunity for the Council to have discussion about the issue.
2 City Attorney Carlson stated that according to the Council's rules of order and procedure there must be a second to a motion
3 before discussion can occur.

4

5 10. Councilmember Reports.

6 Councilmember reports began at [7:36:50 PM](#) . Councilmember Lisonbee provided her report followed by
7 Councilmembers Shingleton, Duncan, Peterson, and Johnson.

8

9 11. Mayor Report.

10 Mayor Nagle's report began at [7:45:39 PM](#).

11

12 12. City Manager Report.

13 Mr. Rice's report began at [7:47:15 PM](#) . He turned his time over to City Attorney Carlson.

14

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

20 [7:48:16 PM](#)

21 COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN INTO CLOSED EXECUTIVE
22 SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW
23 FOR THE PURPOSE OF DISCUSSING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR
24 MENTAL HEALTH OF AN INDIVIDUAL; PENDING OR REASONABLY IMMINENT LITIGATION; OR THE
25 PURCHASE, EXCHANGE, LEASE OF REAL PROPERTY. COUNCILMEMBER PETERSON SECONDED THE
26 MOTION; ALL VOTED IN FAVOR.

27 The meeting adjourned into closed session at 7:48 p.m.

1 The meeting reconvened at 8:09 p.m.

2

3

4 At 8:10 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER
5 PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

6

7

8 _____
9 Jamie Nagle
10 Mayor

Cassie Z. Brown, CMC
City Recorder

10

11 Date approved: _____

Minutes of the Syracuse City Council Work Session Meeting, January 8, 2013.

Minutes of the Work Session meeting of the Syracuse City Council held on January 8, 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

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
Police Lieutenant Tracy Jensen
Roads Superintendent Mike Mathis

Visitors Present: Brandon Buldoc Dean Rasband Holly Rasband
Bryan Beckstrom Paul Olme

The purpose of the Work Session was for the Governing Body to review the agenda for the business meeting scheduled for 7:00 p.m.; review agenda item six, seven, and eight on the business meeting agenda; receive a presentation regarding sewer camera operations; discuss tree trimming in the Fremont Estates Subdivision; discuss the Police Department personnel budget; and discuss Council business.

6:01:22 PM

Review agenda item #6 – Proposed Ordinance No. 13-01, amending the existing zoning map of Title X, “Syracuse City Zoning Ordinance”, revised ordinances of Syracuse, 1971, by changing from Agriculture 1(A-1) Zone to Residential 1 (R-1) zone on the parcel(s) of real property herein described.

A memo from the Community Development Department explained the Planning Commission held a public hearing on December 18, 2012 for the Ovation Homes rezone request. No public comment was provided during the hearing. The

1 Planning Commission reviewed the request and agreed that the property as proposed is established as R-1 Residential on the
2 General Plan Map and this rezone request is in conformance with the General Plan. The property requested for zone change
3 is approximately 16 acres, located directly south of the existing phases of Trailside Park Subdivision. The developer intends
4 to develop this property as future phases of Trailside Park Subdivision, with inclusion to the Trailside Park Home Owners
5 Association with full rights and responsibilities to the previously provided open space within the development. The applicant
6 has further been granted conditional sketch plan approval for phase 7, contingent upon successful rezone of the property.
7 Phase 7, is inclusive of the northern 8 acres of the 16 acre parcel. In review of the zone change request the Planning
8 Commission examined the UDOT West Davis proposed corridor maps and wetland maps and concluded that the property is
9 outside either proposed alignment and only a small portion of the property in the southeast corner may require wetlands
10 mitigation. The Planning Commission has directed the developer to complete a geotechnical investigation of the property and
11 obtain a letter regarding any jurisdictional wetlands that may exist from the Army Corps of Engineers prior to preliminary
12 plat review.

13 On December 18, 2012, the Syracuse City Planning Commission unanimously recommended that the Syracuse City
14 Council approve the rezone request from Ovation Homes to rezone property located at 3000 South 2000 West from the A-1
15 Agriculture to R-1 (Residential), with a finding that the property is designated in the City General Plan for said land use of R-1
16 Residential . No concerns were raised by the Planning Commission or members of the public.

17 The Syracuse City Planning Commission and CED Staff hereby recommend that the City Council adopt Ordinance
18 13-01 and approve the rezone request from Ovation Homes to rezone property located at 3000 South 2000 West from the A-1
19 Agriculture to R-1 Residential, with a finding that the property is designated in the City General Plan for said land use as R-1
20 Residential.

21 Community Development Director Eggett reviewed the staff memo.

22 [6:02:38 PM](#)

23 Council discussion regarding the item began. Any questions asked were addressed by Mr. Eggett and City Attorney
24 Will Carlson.

25
26 [6:03:05 PM](#)

27 Review agenda item #7 – Proposed Resolution R13-01, appointing

1 Councilmembers to various committee positions and assignments

2 A staff memo from the City Recorder explained that at the beginning of each calendar year past Councils have
3 reviewed the lists of appointments and assignments and made changes according to recent election results or other
4 determining factors. I have included the most current list of assignments as well as a proposed resolution including the list of
5 assignments with blanks to be filled in. It is my hope that the Governing Body can determine what appointments and
6 assignments should be made so that a resolution can be adopted in the business meeting to formalize the direction given
7 during the work session.

8 [6:03:56 PM](#)

9 The Council had a brief discussion about the various assignments and appointments included in the resolution.

10 [6:04:30 PM](#)

11 City Manager Rice stated that he would recommend appointing City Attorney Carlson as a voting member of the
12 ULCT Policy Committee because he will be attending all meetings throughout the upcoming legislative session.
13 Councilmember Lisonbee stated she would like to be a voting member on the ULCT Legislative Policy Committee.
14 Councilmember Duncan stated that he feels that elected officials should hold those positions ahead of City employees. He
15 stated that if Councilmembers Johnson and Lisonbee want to be voting members they should be appointed to those positions.
16 Mr. Carlson stated that he will be happy to continue to attend the meetings even if he is a non-voting member. The Council
17 reached the consensus to appoint Councilmembers Johnson and Lisonbee as voting members and Mr. Carlson as the non-
18 voting members.

19 [6:07:03 PM](#)

20 After a brief discussion the Council determined that Councilmember Duncan will be the Mayor Pro Tem,
21 Councilmember Lisonbee would be the Second Mayor Pro Tem, and Councilmember Johnson would be the Third Mayor Pro
22 Tem. There was also a brief discussion of the Employee Appeal Board positions; the Council reached the consensus to
23 appoint Councilmembers Lisonbee and Shingleton as members of the Employee Appeal Board and Councilmembers Duncan
24 and Johnson as alternate members of the Employee Appeal Board. Mayor Nagle stated she wanted to continue with her
25 assignment with the Youth Council and Councilmember Shingleton stated he wanted to continue with his assignment with
26 the Youth Court. There was a discussion about the Planning Commission Liaison position and Councilmember Johnson
27 stated he would continue in that position.

1 [6:11:51 PM](#)

2 Mayor Nagle reviewed all the school Community Council assignments and all Councilmembers said they would
3 continue in those positions. Councilmember Peterson stated he would recommend leaving all other assignments as currently
4 listed in the resolution. All Councilmembers concurred.

5

6 [6:13:31 PM](#)

7 Review agenda item #8 – Recommendation for Award of Contract
8 for 1000 West Culinary and Secondary Waterline Project

9 A staff memo from the Public Works Director explained this culinary and secondary waterline project is one that
10 was identified on our list presented to City Council as a high priority due to the restrictions the existing 6” lines place on the
11 system and the multiple culinary main breaks which have historically occurred through the project limits. This project will
12 involve the installation of a 12” culinary main, 16” secondary main and resurfacing the entire road on 1000 West Street from
13 2700 South Street to Bluff Road. The City has procured a grant through the Division of Drinking Water, which the culinary
14 main is eligible for. The grant is a 50/50 match between the Division of Drinking Water and the City. The Division of
15 Drinking Water reviewed and approved the plans prior to bidding the project. The Division of Drinking Water is also
16 required to review the successful bid, which has been submitted for review by the City. The City has received a verbal
17 commitment the submitted bid will be accepted, but the City is still waiting on an official letter. The construction will begin
18 as soon as contract documents are in place and will be completed in Spring/Summer 2013.

19 The cost for this project came in about \$223,900 less than the estimate. The bid amount for the total project is
20 \$1,136,100.00 and the funding breakdown is as follows:

- 21 • Secondary Water Impact Fee: \$360,000.00
- 22 • Secondary Water Capital: \$230,228.37
- 23 • Culinary Water Capital Budget: \$261,486.99
- 24 • Culinary Water Grant Funding Match From DDW: \$261,486.99
- 25 • Class C (Repaving 3300 South Street): \$22,897.65

26 Staff recommends awarding the contract to Ormond Construction, Inc.

1 [6:13:42 PM](#)

2 Public Works Director Whitley summarized the staff memo.

3 [6:16:46 PM](#)

4 Council discussion regarding the item began. Councilmember Duncan asked if staff has any concerns about
5 Ormond Construction, Inc. Mr. Whiteley stated that he has checked their references and all came back good.

6 Mayor Nagle asked about the warranty on the project. Mr. Whiteley explained there is a one year warranty after
7 substantial completion date of the project and final inspection.

8 Councilmember Lisonbee asked if there are any other encumbrances associated with the grant money. Mr. Whiteley
9 answered no. Councilmember Shingleton stated that he likes the idea that the company is required to answer to the state in
10 addition to the City due to the fact that the project is partially funded with grant money.

11

12 [6:19:29 PM](#)

13 Presentation regarding sewer camera operations

14 A memo from the Public Works Director explained the City is currently in design-stage for the “700 South & 2500
15 West Road Improvement Project”. During design staff has utilized the sewer camera to check the condition of the sewer
16 mains throughout the project. Staff has discovered that a majority of our sewer is in good condition. About ¼ of the length
17 of the project amounting to ½ mile will require rehabilitation primarily due to joint separation and pipe bellies. Pipe bellies
18 prevent adequate drainage which generates accumulation of sedimentation, which in turn creates a risk of back-ups into
19 sewer service laterals. Sewer back-ups have been problems on this stretch of main in the past. Staff estimates the cost for
20 this repair to be around \$250,000. This does not include the cost of asphalt removal and replacement, since those costs would
21 already be considered with the road rehabilitation. Staff estimates a savings of about \$65,000 in asphalt and road base costs
22 if this sewer is replaced in conjunction with this project. Cash is available in the fund to cover this project. Staff
23 recommends the sewer main replacement be added to this project.

24 [6:19:42 PM](#)

25 City Manager Rice introduced the item. Mr. Whiteley then summarized his staff memo and proceeded in reviewing
26 the sewer camera film associated with the project referenced in the staff memo.

1 [6:32:48 PM](#)

2 Following the review of the camera film Mr. Whiteley asked if the Council is comfortable with him proceeding with
3 planning for this project. Councilmember Lisonbee asked how the project will be funded. Mr. Rice stated that it will be
4 funded with money in the City's sewer fund.

5 Councilmember Shingleton asked if it is possible to add sleeves to sewer pipes. Mr. Whiteley stated it is possible to
6 add sleeves to any gravity fed line, but that will not fix the problems with lateral connections or bellies in the pipe. He stated
7 that in order to make repairs he will need to take out the pipe and replace it correctly.

8 The Council agreed that it is appropriate for the staff to continue planning to add the sewer aspect to the project.
9

10 [6:34:01 PM](#)

11 Discussion regarding tree trimming in Fremont Estates Subdivision

12 [6:34:03 PM](#)

13 A memo from the Public Works Director explained that as the City prepares for winter weather, one of the tasks that
14 staff handles is reminding residents to help us clear obstructions from the roadways in order to allow a clear zone for our
15 street maintenance equipment. Obstructions such as vehicles and overhanging trees prevent street sweepers and snow plows
16 adequate clearance for full access of the roadway to perform the necessary service. City ordinance 10-6-070J requires that
17 trees overhanging the street and sidewalk be trimmed in order to maintain adequate clearance for our equipment and for
18 pedestrians. According to Section 6-2-5 of the City Code, the residents are responsible to maintain all plantings in the
19 parkstrip adjacent to their property. Because the parkstrip is inside the street right-of-way, the City has the right to perform
20 work inside the right-of-way as necessary. Fremont Estates was one of a number of subdivisions that required some attention
21 regarding tree trimming. The trees were planted very close to the curb. Many of the trees reach approximately 20-30 feet in
22 height, yet the lower branches had not been trimmed prior to December. Notices were delivered to properties requesting that
23 they trim their trees to the required clearance (a copy of the notice was included in the Council packet). After two weeks, if
24 the trimming was not complete, then our city staff took the time to trim the trees. The trimmings took place the week of Dec
25 10th. Although staff are not professional landscapers, the trimming looks satisfactory. The trimmings did not sacrifice the
26 health of the trees, but rather promote the trees to grow taller (photos were included in the Council packet). The City has
27 received much gratitude from the residents, the mail carriers, and the trash collection service. Staff has also heard some

1 complaint from a few residents regarding the appearance of the trimming. The City has handled the complaints via email and
2 phone. We have also met with many to answer questions and resolve concerns. Some have been unwilling to meet and feel
3 that approaching the council is the direction to take. With the recent snowfall, staff has been able to fully clear the streets in
4 Fremont Estates. This has been a success as we continue to serve our great residents to the best of our ability.

5 Mr. Whiteley reviewed his staff memo.

6 [6:36:32 PM](#)

7 Mr. Rice stated that staff wanted to notify the Council of this issue in the event that they are contacted by residents
8 with concerns about the tree trimming. Councilmember Duncan stated that the Council did receive one email about the issue.

9
10 [6:37:01 PM](#)

11 Discuss Police Department personnel budget

12 This item was added to the agenda by Councilmembers Duncan and Lisonbee.

13 Councilmember Duncan stated that during the budget retreat, former Police Chief Wallace noted that he wanted to
14 dedicate the difference between his salary and the new Police Chief's salary to pay increases for the Police Officers. He
15 stated the Council discussed that proposal and his opinion is that the money needs to be recovered by the City to pay
16 employees for the job they are doing. He stated that once Chief Wallace retired it is not his money to give, though it was a
17 generous offer. He stated that the concept was that the budget could be reopened to discuss the issue further. He stated that
18 he wants to take the money and put it back in the general fund; that is the way business works. He then stated that this can be
19 discussed in conjunction with the knowledge that the staff already received an average three percent raise. He stated that if
20 the Council is in agreement he wants the Council to vote on the issue at the next Council meeting.

21 [6:39:08 PM](#)

22 Councilmember Lisonbee stated that when Council authorized merit pay increases, they dedicated \$150,000 for that
23 purpose. He stated that not all of that money was used and a lot of it went to the Police Department. She stated that the other
24 option is still hanging out there and she wants to pull it back and opt to use the left over merit pay money and dedicate the
25 difference in the Chiefs' salaries to the general fund.

26 [6:39:40 PM](#)

1 Mayor Nagle stated there are still some significant equality pay issues in the Police Department; there are officers
2 that are significantly underpaid according to information presented by Finance Director Marshall. She stated that her thought
3 is that the City should use that money to do some one-time corrections and bring officers' salaries in line with other cities
4 wages.

5 [6:40:14 PM](#)

6 City Manager Rice stated that he believes the Council is talking about two separate issues; one action was to take the
7 difference between the Chiefs' wages and dedicate \$10,000 to the Police Department to bring wages in line while the other
8 action was to dedicate \$150,000 to merit raises for all employees, including the Police Department. Councilmember
9 Lisonbee stated that bumping up salaries is not a one-time thing and she asked the difference between giving raises from the
10 merit pay fund versus using the \$10,000 to adjust the wages. Mr. Rice stated that there is money available from the merit pay
11 dedication that would last the rest of the year, but the issue would need to be addressed again at that time. Councilmember
12 Lisonbee stated that from what she understood from Mr. Marshall's email was that the City used \$111,000 of the \$150,000
13 that was dedicated for merit increases. Mr. Rice stated that is because the increases were not implemented until nearly one
14 quarter into the fiscal year. He stated that next year the full \$150,000 will be used.

15 [6:41:47 PM](#)

16 Mayor Nagle stated that it is a common practice to do market comparability adjustments for dedicated positions
17 rather than across the board; a survey can be conducted to identify "hot spots" and identify where the City's focus should be.
18 She stated that is beyond merit pay and cost of living adjustments (COLA). She stated that positions can be targeted because
19 not every job increases by the same percentage according to cost of living or inflation. She stated there are a lot of things that
20 factor into it and there are some pay issues in the Police Department that need to be addressed. She stated she would like to
21 hear from Chief Atkin regarding this issue.

22 [6:42:43 PM](#)

23 Chief Atkin stated that he reviewed the wages for Farmington City and the entry level officers in that city are
24 making nearly \$2,000 more than entry level officers in Syracuse are making. He stated that city has about 8,000 fewer
25 residents than Syracuse; they have about half as many arrests a year as Syracuse; their crimes against persons (things like
26 assaults and sex offenses) are nearly half the rate of similar crimes in Syracuse. He then stated that he reviewed the ratio of
27 officers per thousand residents in cities throughout Davis County, excluding the County itself, and he found Syracuse is the

1 fifth largest city by population, but has the third lowest ratio of officers per thousand residents. He stated that comparing
2 workload to a city that is smaller than Syracuse, but is fairly close in proximity; he found that it would make sense that if
3 officers are doing more work based on population their pay should be higher.

4 [6:44:40 PM](#)

5 Councilmember Johnson asked how much money the Council is talking about. He stated that he thought the
6 Council approved a budget with \$10,000 for Police wage increases. Mr. Rice stated that is correct. He stated that the
7 difference should not be more than \$9,500. Mr. Marshall stated that is correct. Councilmember Johnson stated that his
8 opinion is that the Council already adopted the budget and he does not think it needs to be reopened to make any changes.
9 Councilmember Duncan stated that the idea was that when Chief Wallace retired the Council could readdress the issue. He
10 stated that when the Council approved the \$150,000 for merit increases he raised the issue of employees that are not making a
11 lot of money and possibly looking at implementing a COLA for them as well and he was told by the Mayor and staff that the
12 increases should be merit pay increases instead. He stated that the Council was told that merit pay is most important, but now
13 the staff is coming back saying they need more money to address the issue. Councilmember Peterson stated staff is not
14 coming back; the budget has already been adopted and the issue has been discussed since last March. Councilmember
15 Johnson agreed; he noted the \$150,000 was approved for merit increases throughout the City and the \$10,000 will be
16 dedicated to address wage issues in the Police Department only.

17 [6:45:58 PM](#)

18 Councilmember Lisonbee stated that when the Mayor is talking about is a desk audit; the County does it quite
19 frequently. She stated that desk audits are used to evaluate positions to see if they are earning wages below market value and
20 determine if it is appropriate to reopen or reexamine the wage scale. Mayor Nagle stated she was not talking about desk
21 audits. Councilmember Lisonbee stated that if the Council is truly going to rectify the situation, which she thinks needs to be
22 done. . .she raised this issue in October when the Council talked about the \$150,000 merit increases. . .the Council needs to
23 open the wage scale and review the positions that are underpaid and make adjustments. She stated that will come out of the
24 general fund and it will be clear and transparent before the citizens. She stated that her opinion is that desk audits should be
25 conducted and the Council can have an item on the next agenda to address the underpaid positions.

26 [6:47:24 PM](#)

1 Mayor Nagle stated she wanted to be sure everyone is talking about the same thing. She stated that she is not talking
2 about a desk audit because that is something that is done to make sure someone is classified properly. She stated she is
3 talking about doing a bench marking survey and doing a market comparison; Mr. Marshall did benchmarking in the past and
4 now the Council is looking at market comparability adjustments. She stated that the Council can look at “hot spots” and
5 determine where adjustments need to take place. Councilmember Lisonbee stated that maybe she had the term wrong, but
6 she had a conversation with a County employee after the merit pay increases were approved and he suggested that the City
7 conduct a desk audit to identify positions that are underpaid and try to bring them up to market value. She stated she really
8 thinks the Council needs to look at the wage scale and approve monies specifically for positions.

9 [6:48:34 PM](#)

10 Councilmember Duncan stated that a lot of citizens expressed concern over the fact that the City was spending
11 \$150,000 to give raises to the staff and the Council had a discussion about that issue and voted to approve it. He stated the
12 Council did have benchmark comparisons and he did raise the issue and he is now frustrated that a few months later the
13 Council will be asking the residents for a lot more than \$150,000. He stated that when he raised the issue of giving some
14 employees more money to catch them up on the wages they were earning, the answer was that merit pay was more
15 appropriate. He stated he wondered if the staff will ask for another \$150,000. Mayor Nagle stated that no one is asking for
16 \$150,000; the budget includes \$10,000 to be used for police wages. Councilmember Johnson stated he feels the City needs to
17 deal with the budget that has been adopted and not open anything. Councilmember Lisonbee stated that the wage scale calls
18 out wage ranges for positions and if those wage ranges are below market the Council needs to look at adjusting that and that
19 requires opening of the entire wage scale. She stated that is more transparent and above board and it gives the Council the
20 opportunity to say that the Police Officers were underpaid and according to benchmark data, adjustments are appropriate.
21 Councilmember Paterson agreed, but stated that is a separate issue than what is being discussed tonight. He stated he feels it
22 would be appropriate to talk about the wage scale issue during the budget retreat. He stated that there are employees that
23 were hired as first year officers and they have not had a raise in the past five years. He stated there are at least five officers in
24 that situation. Councilmember Lisonbee asked if any of those five officers received any of the \$150,000 dedicated for merit
25 increases. Mr. Marshall answered yes. Councilmember Lisonbee stated that means they have had a raise and it is now
26 appropriate for the Council to look at the wage scale and instead of leaving the \$10,000 in the budget for Police wages, it
27 should go back into the general fund and the Council can rectify the problem open and transparently.

1 [6:51:11 PM](#)

2 Councilmember Duncan stated that he is not saying that the Council should not address the problem; he is simply
3 saying that it should not be done “willy nilly” by calling out a \$10,000 difference between the Chiefs’ salaries to be dedicated
4 to raises in that Department. He stated that the Council was told in the budget retreat that nothing could be done about the
5 issue at that time and that when the Chief retired the issue would be reopened. He stated that his concern is that he has
6 reopened the issue and now he looks like the bad guy because of spin being put on it. He stated that the Council was
7 promised that the issue could be readdressed and now he is being told that would be a terrible thing to do.

8 [6:52:15 PM](#)

9 Mr. Marshall then provided a brief history of the subject at hand.

10 [6:54:29 PM](#)

11 Mayor Nagle asked for Councilmember Shingleton’s input. Councilmember Duncan stated Councilmember
12 Shingleton is essentially the “swing vote” and he would like to hear from him as well. Councilmember Shingleton stated that
13 he recalls that there was talk of readdressing the issue when the time came because there were concerns about the proposal
14 that was made at the retreat. He stated that he does not have a problem with either way; he thinks the same result will occur.
15 Councilmember Lisonbee stated that the result may actually be better. Councilmember Shingleton stated that the Police
16 Department may end up with more money if the salary survey warrants. He stated that he can see the easy way and the more
17 transparent way is probably the way that Councilmembers Duncan and Lisonbee have suggested. He stated that he thinks the
18 same outcome will occur.

19 [6:55:34 PM](#)

20 Councilmember Peterson stated that he has an issue with the transparency argument. He stated the \$10,000 was in
21 the budget and was approved as part of the budget and it is essentially part of the general fund already. Councilmember
22 Lisonbee stated that when someone from the Police Department in the lower wage scale quits, and the City hires someone
23 else, the City has to go back to the wage scale to hire someone even though the pay may not be adequate and she is simply
24 recommending doing it right. Mr. Rice stated that if the Council wants to look at the whole wage scale he thinks the time to
25 do it is at the budget retreat. Councilmember Lisonbee stated that she just wants to look at the wage scale for Police Officers.

1 She stated that the Council has looked at the whole wage scale and noticed that there were several positions in the Police and
2 Fire Departments that were way under market, while most of the other positions were being paid wages at or above market.

3 [6:57:03 PM](#)

4 Councilmember Peterson stated that he thinks it is appropriate to look at the wage scale, but there is already \$10,000
5 that has been in the budget since last June that can be used to address wages now. He stated that during the budget retreat the
6 Council can also look at the wage scale and kill both birds with one stone.

7 [6:57:30 PM](#)

8 Councilmember Shingleton asked how many of the officers that stood to receive a raise from the \$10,000 were
9 among those that have since left employment with the City. Someone answered that there were two officers.

10 Councilmember Peterson stated that it may not be necessary to use the entire \$10,000, but the City at least has an opportunity
11 to pay some of them the wage they should be earning.

12 [6:58:14 PM](#)

13 Chief Atkin stated that he forgot to mention that his stats came from the State of Utah Bureau of Criminal
14 Identification Statistics. He stated that they came from the first quarter of 2011. He stated that he wanted to provide the
15 Council with his perception. He stated that he respects what the Council is doing as far as being responsible to the taxpayers;
16 that is a difficult position to be in. He stated that it was portrayed to the Officers in his Department that the \$10,000 for wage
17 adjustments was coming to them; that it had already been arranged and would definitely be done by the City. He stated that
18 in his short time he can only give the Council one example; the City just lost Preston Benoit to Kaysville City and when he
19 asked him why he was leaving the City, Mr. Benoit said that it was for two reasons; one was money. He stated that Mr.
20 Benoit was going to be earning \$1.20 more per hour in Kaysville and when looking at all the time that was invested in
21 training him, it does not make sense to lose him for that amount of money. He stated that Mr. Benoit's second reason – and
22 he meant no disrespect – was that he did not feel like the people that were running the City had his back. He stated that if this
23 is something that was promised to the employees, no matter how that promise was delivered, to delay that further erodes the
24 trust in the people that are there to watch out for them. He stated that he knows that every one of the Councilmembers is
25 committed to the safety of the officer and the other employees, but if this is something that was promised as something
26 deserved, it would cause some trust issues to open the issue again.

1 [7:00:51 PM](#)

2 Councilmember Duncan stated that he appreciates that explanation, but apparently some promises were made on
3 behalf of the City Council that the City Council never actually made. Councilmember Peterson disagreed and stated that the
4 Council made the promise by including the money in the budget. Councilmember Johnson agreed.

5 [7:01:05 PM](#)

6 Mayor Nagle asked for Councilmember Shingleton's position. She stated that she does think it makes sense to
7 arrive at the same conclusion via two different options, but if the Council wants to open the budget, that will require a public
8 hearing.

9 [7:01:23 PM](#)

10 Councilmember Shingleton stated that he would like to see a compromise; he would like to open the wage scale for
11 the Police Department, but he also wants to move forward with the implementation of the \$10,000 for wage increases at this
12 time. He stated that it keeps the perception of the promise that was there, but it also says that the Council is interested in
13 being fair. Mayor Nagle asked staff to begin working on a benchmark study for the Police Department and bring it to a
14 future meeting. Human Resources Specialist Whitaker stated that she would like to bring recommendations for other
15 positions as well. Mayor Nagle stated that staff can make a proposal and the Council can consider it.

16

17

18 The meeting adjourned at [7:02:53 PM](#)

19

20

21

22

23 _____
24 Jamie Nagle
25 Mayor

Cassie Z. Brown, CMC
City Recorder

26 Date approved: _____

Minutes of the Syracuse City Council Regular Meeting, January 8, 2013.

Minutes of the Regular Meeting of the Syracuse City Council held on January 8, 2013, at 7:00 p.m., in the Council Chambers, 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 D. Rice
City Recorder Cassie Z. Brown

Department Heads Present:
Finance Director Steve Marshall
Police Chief Brian Wallace
City Attorney Will Carlson
Parks and Recreation Director Kresta Robinson
Community Development Director Mike Eggett
Public Works Director Robert Whiteley

Visitors Present:	Targhee Gibson	Jason Gibson	Charlie Gibson
	Robert Dean	Betty Dean	Bruce Peterson
	Matt Stott	Adam Shupe	Jason Shupe
	Dylan Greenwood	Zach Harrison	Janek Lansford
	Brett Sims	David Lanning	John Lanning
	Christina Craft	McGarry Family	Bailie Johnson
	Spring DeRoche	Ray Zaugg	Pat Zaugg
	Daniel Nanney	Quincy Gibson	Amanda Gibson
	Rick Dettlinger	Terry Palmer	Bryan Beckstrom

1. Meeting Called to Order/Adopt Agenda

7:20:46 PM

Mayor Nagle called the meeting to order at 7:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Duncan provided an invocation. Boy Scout Collin Free then led all present in the Pledge of Allegiance.

7:22:55 PM

COUNCILMEMBER SHINGLETON MADE A MOTION TO AMEND THE AGENDA BY ADDING CITY COUNCIL AND MAYOR REPORTS AND ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

7:23:30 PM

2. Presentation of the Syracuse City and Wendy's "Award for Excellence"

1 to Targhee Gibson and Cailin McGarry.

2 The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community
3 service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic
4 Development, in conjunction with Jeff Gibson, present the recipients for the “Syracuse City & Wendy’s Award for
5 Excellence”. This monthly award recognizes the outstanding performance of a male and female who excel in athletics,
6 academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at
7 a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City
8 Newsletter, City’s Facebook and Twitter Feed, and City’s website; be featured on the Wendy’s product television; and
9 receive a \$10 gift certificate to Wendy’s.

10 Mayor Nagle stated that Councilmember Shingleton knows Targhee Gibson personally and has requested the
11 opportunity to present Mr. Gibson with his award. Councilmember Shingleton thanked the Mayor for the opportunity and
12 stated that Mr. Gibson and his family live in his neighborhood and he has known Mr. Gibson for nearly his entire life. He
13 then read the statement that was written by Mr. Gibson’s teacher from the Syracuse Arts Academy as follows:

14 “Targhee is a talented basketball player, who as a 7th grader, made the school team. He is a hard worker and puts
15 forth a lot of effort on the court! Off the court he works equally as hard! He earned a 3.8 GPA! He is a great athlete
16 and a great student!”

17 Councilmember Shingleton asked Mr. Gibson to stand and receive his award from the Council. Mr. Gibson
18 received a round of applause from those in attendance.

19 Mayor Nagle then read the statement written by Ms. McGarry’s teacher from the Syracuse Arts Academy as
20 follows:

21 “Cailin is a talented athlete and an excellent student! She tried out for volleyball and basketball. She had never
22 played either of these sports before and she made both teams. Her first basketball game, she scored half of the
23 team’s points! She is a conscientious student with a 3.8 GPA this first term. She also plays the bassoon in the band
24 and takes private lessons. Cailin is an all around excellent student, athlete and person!”

25 Mayor Nagle asked Ms. McGarry to stand and receive her award from the Council. Ms. McGarry received a round
26 of applause from those in attendance.

27 Mayor Nagle stated that one of the best things that a community can do is honor its kids and the commitment they
28 put into school and sports as well as for being great members of the community. She stated that this is her favorite part of

1 Council meeting and she wants to commend the two award recipients for this month and encourage them to keep up the good
2 work and be leaders the rest of their lives. She stated she hoped they would never lose the vision for success and excellence
3 and she stated she is very proud of them.

4
5 [7:27:08 PM](#)

6 3. Approval of minutes.

7 The following minutes were included on the Council agenda for approval; the Work Sessions of January 31,
8 February 14, February 28, April 10, April 24, May 8, May 22, June 12, June 26, July 10, August 14, August 21, August 28,
9 September 25, and December 11, 2012; the Special Meeting minutes of June 26, and August 28, 2012; and the Regular
10 Meeting minutes of June 12, and December 11, 2012.

11 COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES AS LISTED ON THE
12 AGENDA.

13 COUNCILMEMBER LISONBEE MADE AN AMENDED MOTION TO TABLE THE APPROVAL OF
14 MINUTES FOR ALL THE SESSIONS LISTED ON THE AGENDA.

15 Councilmember Lisonbee stated that the reason she wants to table the minutes is that, even though it is not required,
16 in the past the City has always posted the minutes on the website or in the packet so that citizens can review them
17 beforehand. She stated the minutes listed on tonight's agenda have not been posted for the citizens to review and she thinks a
18 precedent has been set in the City that she would like to continue.

19 Mayor Nagle called for a second to Councilmember Lisonbee's motion. COUNCILMEMBER DUNCAN
20 SECONDED THE MOTION.

21 Councilmember Duncan stated that he would like to determine how the Council will address the approval of the
22 minutes in the future. He stated that it seems to him that the reason the Council approves minutes is because they have had
23 an opportunity to review the minutes and make sure they are accurate and reflect what is actually happening in the meetings.
24 He stated that his suggestion is that the Council have a discussion about how to bring the minutes for approval in chunks
25 because two weeks from now he will not be ready to approve all the minutes listed on the agenda. Mayor Nagle stated that
26 the minutes have been available to the Council for over three weeks. Councilmember Lisonbee stated that some of them
27 have been available for that long.

1 Councilmember Johnson stated that his concern is not that the Council has had two or three weeks to approve them;
2 rather, his concern is that the Council is getting minutes from January 2012 and he thinks that is a little late. He asked why
3 the Council is getting them so late and he noted they should be receiving the minutes, as the Utah Code states, in a reasonable
4 amount of time so the citizens and Council can review them and have a recollection of the meeting. He stated that his
5 concern is that the minutes are a year old and he thinks that is contrary to what the Code states. City Recorder Brown stated
6 that she does not have a response to Councilmember Johnson's comments besides to say that she sent an email to the Council
7 and apologized for the volume of the minutes and that they were so late. She stated that she also sent an email to the Council
8 earlier in the year informing them that she was behind in work session minutes. She stated that it is not something she has
9 tried to hide and she is comfortable tabling the minutes tonight. She stated that she sent out six or seven sets of minutes the
10 week before Christmas and the rest of them the week after Christmas. She stated that the majority of the work sessions are
11 very short minutes; they are three to four pages long and most of them simply include the staff report that led into the
12 discussion of the item as well as a description of the resolution that the Council reached during any given item. She stated
13 they are not as detailed as business meeting minutes. She then noted that she sent an email to the Council last week saying
14 that she was not planning on including them in the packet because there were so many sets, but that they had been in the
15 dropbox for an extended period of time. She stated that if she would have received an email back from the Council saying
16 that they wanted the minutes included in the packet she could have made that change on Friday of last week. Councilmember
17 Johnson stated that is not his concern and that he did review the minutes. Ms. Brown stated that was Councilmember
18 Lisonbee's concern and she was responding to her. Councilmember Johnson stated that is his concern and he asked why the
19 Council was not provided with the January 2012 minutes in February or March. Ms. Brown stated that she just responded to
20 Councilmember Johnson's question and she does not know what else he wants her to say. Councilmember Lisonbee stated
21 that Ms. Brown mentioned in her email that including this many sets of minutes in the packet would make it a very
22 cumbersome packet so she just assumed that it would not be a good idea. She stated the reason she is bringing the issue up
23 now is that she would like to take two or three sets of minutes, depending on the length of the minutes, and add them to each
24 agenda to catch up over time. She stated that she tries to go back and listen to the recording as she is reviewing the minutes
25 because she cannot always remember what happened during a meeting; she wants to make sure that if she is approving a
26 public record that will be a public record in perpetuity that she is accurate in what she is approving. She stated that she thinks
27 breaking the minutes into block would make it much easier on the Council as far as reviewing the minutes and it will help to
28 keep the packet length shorter.

1 Mayor Nagle suggested that Ms. Brown include three months worth of minutes on each coming agenda until the
2 approval of minutes is caught up. Councilmember Lisonbee stated that she meant three meetings, not three months. She
3 stated that three months would be five sets of minutes rather than three. Councilmember Duncan stated that he would agree
4 with Councilmember Lisonbee's suggestion to add just three sets of minutes to upcoming agendas. He stated that he will
5 need to listen to the recording as well to ensure that the minutes are accurate.

6 Councilmember Peterson stated that he does not want to sound like he does not care, but he is not sure that it matters
7 too much. Councilmember Lisonbee stated that it does matter; the minutes are a public record. Councilmember Peterson
8 stated that he read through each set of minutes and, just like every other set of minutes he has read, he did not find any
9 glaring problems with the minutes. Mayor Nagle stated that she wanted to remind the Council that the official record of the
10 meeting is the audio recording and the minutes are mean to be a summary of the meeting. Councilmember Lisonbee stated
11 that is not true and the official record is the written minutes of the meeting. Mayor Nagle stated that she is not making any
12 excuses about the quantity of minutes, but the Council has had them for a long period of time and she asked if the Council
13 wants to table approval of the minutes to give the public time to review them or because the Council has not taken the time to
14 review them. She stated that she can agree to break the minutes up into chunks of five sets and include those on future
15 agendas for approval.

16 Councilmember Lisonbee stated that according to State law, the City is required to have transcribed minutes of the
17 meetings in addition to the audio recording. She stated that the Council is required to approve the minutes and it does matter
18 that the minutes be approved so that the Council is abiding by the law. Councilmember Duncan stated that the minutes give a
19 synopsis and the synopsis of the meeting must be accurate. He stated that the Council needs to review the minutes to make
20 sure that synopsis is accurate; in order for the minutes to be accurate the Council needs to review them in comparison to the
21 recording. He stated that is going to take some time. Councilmember Peterson stated that it does matter that there are
22 minutes, but he does not think it matters that the Council compare them against the recording and make sure they are word
23 for word correct. Ms. Brown stated that the minutes are a word for word transcription of what happened in any given
24 Council meeting.

25 Mayor Nagle stated that the way forward is to add three sets of minutes to the two sets of minutes that will be
26 provided from the previous meetings. Councilmember Peterson stated there are 19 sets of minutes on the agenda this evening
27 and approving them at the rate suggested will take six months. City Manager Rice then stated that the staff is not happy
28 about being this far behind and work session minutes are not as high a priority as business meeting minutes or other City

1 Recorder duties. He stated that he is not happy about it, but he would like to get them updated and approved in a timelier
2 manner. Councilmember Lisonbee stated that there are two business meetings each month and so it will be possible to
3 review six sets of additional minutes each month.

4 Mayor Nagle stated there has been a motion and a second to table approval of the minutes and she called for a vote.
5 ALL VOTED IN FAVOR.

6

7 [7:38:18 PM](#)

8 4. Public comment.

9 [7:38:33 PM](#)

10 Pat Zaugg stated that she wants to address the article that was in the Standard-Examiner on Monday, January 7
11 regarding two Councilmembers that were delinquent in paying their water bills. She stated that she called the Standard-
12 Examiner and talked to one of the managing editors and she found him extremely rude and unwilling to listen; as she talked
13 to him he was appalled that she would not be frustrated that two of her Councilmember were trying to get out of paying their
14 utility bills. She stated that she told him that he had obviously not read his own article because the two Councilmembers paid
15 their utility bill plus the \$10 late fee. She stated that today she called the City and was told that there was only one
16 Government Records and Management Act (GRAMA) request that was submitted seeking information about the utility bills
17 and that request was made by the Standard-Examiner reporter, Bryon Saxton. She stated that she wanted to know how the
18 information was leaked to the newspaper; it is obvious to her that the information was leaked by the City staff because she
19 doubts that the two Councilmembers went around town bragging that they had not paid their City utility bills. She stated that
20 her appeal is to find out how the information got leaked; it is an ethical problem for her and if there is not an ethics code for
21 the employees she would ask that the City Council establish one. She stated that she does not think that any citizen's name
22 should be discussed outside of the City building; if someone is having a problem with their utilities being shut off, that should
23 not become public knowledge to anyone. She stated that it does not matter who is on the shut off list, even if it is her worst
24 enemy, that should not be made public. She stated that people's finances are private and she thinks that the City should hold
25 that sacred and it should not be leaked to anyone. She stated she is asking the Council and City Manager to find out who
26 leaked the information, if at all possible. She stated that she commented to the editor that she had a suspicion about who had
27 leaked the information and he confirmed it was not that person. She stated she talked to another person and they said that it

1 came from someone on the City staff. She stated she would like a confirmation that this issue will be looked into. Mayor
2 Nagle stated that the City previously had an ethics policy that was withdrawn. Ms. Zaugg asked the Mayor if that means she
3 thinks it is ok for employees to talk about someone's water being shut-off because they could not pay their bills. Mayor
4 Nagle stated she would be very happy to have further conversation with Ms. Zaugg after the meeting. Ms. Zaugg stated that
5 the City needs something in place to protect people.

6
7 [7:41:44 PM](#)

8 TJ Jensen thanked the two Councilmembers for donating to the culinary water fund; it is great that they want to
9 return some of the money they earn for being a Councilmember to the City. He stated that he also agrees with Ms. Zaugg; he
10 does not think that should not be front page news in the Standard-Examiner and he has let the City's assigned reporter know
11 his feelings. He then stated he had a couple of things to address; the first is regarding the issue of Police salaries that was
12 discussed in the work session. He stated that he thinks it would be great for the City to address the lower paid positions and
13 bring them closer to market value. He stated he has attended many meetings over the years and the number one complaint he
14 has heard from Department Heads is regarding the amount of money that is spent training officers and fire fighters to get
15 them up to speed to do a great job only to lose them to another city after they have been fully trained. He stated that he thinks
16 the discussion about dedicating \$10,000 to Police salaries now is a great idea and he would ask that there be some public
17 record noting the increase that was given to various positions in the wage scale. He stated that the Police and Fire
18 Departments do a great job for the City and they put their lives on the line. He stated that giving them a little extra money is
19 a good thing and it makes sense. He then stated there is a petition to annex on the Council's agenda tonight. He stated that
20 the Planning Commission does not deal with annexations, but he wanted to address the annexation as a landowner in the City.
21 He stated that the West Davis Corridor could potentially run directly through this area and it makes sense to annex it into the
22 City. He stated that technically the City's master plan extends one mile past Gentile Street and this property is well within
23 that area. He stated that any time the City can add property and increase the tax base, that is a good thing.

24
25 [7:44:14 PM](#)

26 Terry Palmer stated that the first comment he wanted to make is that he thinks that the minutes listed on tonight's
27 agenda should be passed; delaying approval for seven more months is insane and he would like to "get it done". He then

1 stated his main reason for making comments is that a couple of months ago a Police Officer addressed the Council and said
2 he was leaving his employment with the City and it was because he was not paid enough money. He stated that a spouse of a
3 Police Officer addressed the Council as well and complained about the pay in the Police Department. He stated after that
4 meeting he talked to a Police Officer who told him that he only earns about \$35,000 a year and to him that is not enough
5 money to be patrolling the streets and taking care of the citizens. He stated that he remembered the Police Officers coming to
6 his home to take him to a hospital and it is important to pay the Police and Fire Departments adequate wages. He stated that
7 he wrote a letter to the editorial board of The Islander wherein he recommended (as he did to a couple of Councilmembers)
8 that out of the \$150,000 that was set aside for wage increases, 98 percent of that should be given to the Police and Fire
9 Departments. He stated the Council obviously did not listen and he is not all that important, but he was to the Police
10 Officers. He stated that he thinks “we” need to reconsider because he thinks “we” screwed up.

11
12 [7:46:15 PM](#)

13 Wendy Wallace stated that she wanted to address the discussion in the work session regarding Police Officer wages.
14 She commended Councilmembers Johnson and Peterson for the leadership they brought to the meeting. She stated that it was
15 something that was voted on six months ago. She stated that she has been around and seen many Governing Bodies come
16 through this City and she has lasting, loving relationships with a lot of the people. She stated that the last couple of years
17 have been particularly very hard; hard on her, her family, and the employees. She stated that in the past 20 years she has
18 never seen a more dysfunctional, non-caring Governing Body, to many citizens and to the employees. She stated she has
19 watched fairly silently and listened to the live feed of the Council meeting every other week. She stated that she has also
20 watched the comments and bantering on the “stupid” citizens Facebook page. She stated she has tried making comments to
21 provide another side of point of view and she has been treated so sad and mean and she has left the site wondering why she
22 even bothers. She stated that she will go on record and admit she is the one that copied the Facebook post that Mr. Pratt
23 made about City Attorney Carlson. She stated she is the one that saw it and thought that it would disappear so she copied it;
24 it is not fair that the Council did not stand up to that and the Mayor took the heat for that and all that was done was a motion
25 and a second and no discussion. She stated that she is glad Ms. Zaugg raised the issue of the most recent newspaper article.
26 She stated that she has read all the criticisms on the Facebook page as well as on the Standard-Examiner’s website and she is
27 wondering why there is so much concern about who leaked it and why isn’t the City so concerned that every week the

1 reporter is in attendance writing another good story because of arguments that the Council has about thinks like minutes or
2 wages. She stated that is their job; the newspaper writes papers and sells stories. She stated she does not fault the Standard-
3 Examiner; rather she faults the Council's inability to get things passed without a huge discussion. She stated that she has
4 many more things to say and she knew she only had three minutes to address the Council tonight, but she promised that she
5 will not be quiet anymore and she has a first amendment right to her freedom of speech, just like everyone else, and she will
6 be back in two weeks.

7
8 [7:49:51 PM](#)

9 5. Accept or Deny Petition 2013-01 requesting the annexation into
10 Syracuse City 26.99 acres of property located at approximately 3700
11 South 2000 West, and forward to City Recorder for certification

12 A memo from the City Recorder explained that on January 2, 2012 Michael J. Thayne filed a petition to annex into
13 Syracuse City 26.99 acres of property located at approximately 3700 South 2000 West. The City Engineer has reviewed the
14 annexation petition and his comments have been addressed by the petitioner. If the Council votes to accept the annexation
15 petition the City Recorder will begin the certification process pursuant to the provisions of Title 10-2-403 of the Utah Code
16 Annotated.

17 Ms. Brown reviewed her staff memo.

18 [7:50:46 PM](#)

19 COUNCILMEMBER JOHNSON MOVED TO ACCEPT THE PETITION REQUESTING ANNEXATION INTO
20 SYRACUSE 26.99 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3700 SOUTH 2000 WEST AND
21 FORWARD TO CITY RECORDER CERTIFICATION. COUNCILMEMBER SHINGLETON SECONDED THE
22 MOTION; ALL VOTED IN FAVOR.

23
24 [7:51:13 PM](#)

25 6. Proposed Ordinance No. 13-01, amending the existing zoning
26 map of Title X, "Syracuse City Zoning Ordinance", revised ordinances
27 of Syracuse, 1971, by changing from Agriculture 1(A-1) Zone to

1 Residential 1 (R-1) zone on the parcel(s) of real property herein described.

2 A memo from the Community Development Department explained the Planning Commission held a public hearing
3 on December 18, 2012 for the Ovation Homes rezone request. No public comment was provided during the hearing. The
4 Planning Commission reviewed the request and agreed that the property as proposed is established as R-1 Residential on the
5 General Plan Map and this rezone request is in conformance with the General Plan. The property requested for zone change
6 is approximately 16 acres, located directly south of the existing phases of Trailside Park Subdivision. The developer intends
7 to develop this property as future phases of Trailside Park Subdivision, with inclusion to the Trailside Park Home Owners
8 Association with full rights and responsibilities to the previously provided open space within the development. The applicant
9 has further been granted conditional sketch plan approval for phase 7, contingent upon successful rezone of the property.
10 Phase 7, is inclusive of the northern 8 acres of the 16 acre parcel. In review of the zone change request the Planning
11 Commission examined the UDOT West Davis proposed corridor maps and wetland maps and concluded that the property is
12 outside either proposed alignment and only a small portion of the property in the southeast corner may require wetlands
13 mitigation. The Planning Commission has directed the developer to complete a geotechnical investigation of the property and
14 obtain a letter regarding any jurisdictional wetlands that may exist from the Army Corps of Engineers prior to preliminary
15 plat review.

16 On December 18, 2012, the Syracuse City Planning Commission unanimously recommended that the Syracuse City
17 Council approve the rezone request from Ovation Homes to rezone property located at 3000 South 2000 West from the A-1
18 Agriculture to R-1 (Residential), with a finding that the property is designated in the City General Plan for said land use of R-1
19 Residential. No concerns were raised by the Planning Commission or members of the public.

20 The Syracuse City Planning Commission and CED Staff hereby recommend that the City Council adopt Ordinance
21 13-01 and approve the rezone request from Ovation Homes to rezone property located at 3000 South 2000 West from the A-1
22 Agriculture to R-1 Residential, with a finding that the property is designated in the City General Plan for said land use as R-1
23 Residential.

24 Community Development Director Eggett reviewed the staff memo.

25 [7:52:00 PM](#)

26 COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 13-01,
27 AMENDING THE EXISTING ZONING MAP OF TITLE X, "SYRACUSE CITY ZONING ORDINANCE", REVISED

1 ORDINANCES OF SYRACUSE, 1971, BY CHANGING FROM AGRICULTURE 1(A-1) ZONE TO RESIDENTIAL 1 (R-
2 1) ZONE ON THE PARCEL(S) OF REAL PROPERTY HEREIN DESCRIBED. COUNCILMEMBER DUNCAN
3 SECONDED THE MOTION.

4 [7:52:08 PM](#)

5 Councilmember Duncan stated the issue was discussed in the prior meeting and the City Engineer mentioned that
6 everything was in line with the exception of some wetland issues that can be dealt with when the property is actually
7 developed. He stated he is comfortable approving the Ordinance.

8 [7:52:22 PM](#)

9 Mayor Nagle stated there has been a motion and a second to adopt the Ordinance and she called for a vote. ALL
10 VOTED IN FAVOR.

11

12 [7:52:25 PM](#)

13 7. Proposed Resolution R13-01 appointing Councilmembers to various
14 committee positions and assignments.

15 A staff memo from the City Recorder explained that at the beginning of each calendar year past Councils have
16 reviewed the lists of appointments and assignments and made changes according to recent election results or other
17 determining factors. I have included the most current list of assignments as well as a proposed resolution including the list of
18 assignments with blanks to be filled in. It is my hope that the Governing Body can determine what appointments and
19 assignments should be made so that a resolution can be adopted in the business meeting to formalize the direction given
20 during the work session.

21 [7:52:33 PM](#)

22 Mayor Nagle stated that the Council reviewed this item during the work session and, therefore, she will not review
23 all appointments in this meeting. She called for a motion.

24 [7:52:39 PM](#)

25 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R13-01
26 APPOINTING COUNCILMEMBERS TO VARIOUS COMMITTEE POSITIONS AND ASSIGNMENTS.

1 ASSIGNMENTS WILL BE ACCORDING TO THE DISCUSSION DURING THE JANUARY 8, 2013 WORK SESSION.
2 COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

3

4 [7:52:54 PM](#)

5 8. Recommendation for Award of Contract for 1000 West
6 Culinary and Secondary Waterline Project.

7 A staff memo from the Public Works Director explained this culinary and secondary waterline project is one that
8 was identified on our list presented to City Council as a high priority due to the restrictions the existing 6” lines place on the
9 system and the multiple culinary main breaks which have historically occurred through the project limits. This project will
10 involve the installation of a 12” culinary main, 16” secondary main and resurfacing the entire road on 1000 West Street from
11 2700 South Street to Bluff Road. The City has procured a grant through the Division of Drinking Water, which the culinary
12 main is eligible for. The grant is a 50/50 match between the Division of Drinking Water and the City. The Division of
13 Drinking Water reviewed and approved the plans prior to bidding the project. The Division of Drinking Water is also
14 required to review the successful bid, which has been submitted for review by the City. The City has received a verbal
15 commitment the submitted bid will be accepted, but the City is still waiting on an official letter. The construction will begin
16 as soon as contract documents are in place and will be completed in Spring/Summer 2013.

17 The cost for this project came in about \$223,900 less than the estimate. The bid amount for the total project is
18 \$1,136,100.00 and the funding breakdown is as follows:

- 19
- 20 • Secondary Water Impact Fee: \$360,000.00
 - 21 • Secondary Water Capital: \$230,228.37
 - 22 • Culinary Water Capital Budget: \$261,486.99
 - 23 • Culinary Water Grant Funding Match From DDW: \$261,486.99
 - 24 • Class C (Repaving 3300 South Street): \$22,897.65

24 Staff recommends awarding the contract to Ormond Construction, Inc.

25 Public Works Director Whitley summarized the staff memo.

26 [7:54:26 PM](#)

1 COUNCILMEMBER PETERSON MADE A MOTION TO AWARD THE CONTRACT FOR THE 1000 WEST
2 SECONDARY WATERLINE PROJECT TO ORMOND CONSTRUCTION, INC. COUNCILMEMBER JOHNSON
3 SECONDED THE MOTION.

4 [7:54:35 PM](#)

5 Councilmember Shingleton stated he wanted to commend staff for their work on the contract; they saved about
6 \$250,000 of the Engineer's estimate. He stated that there will be a lot of work done for a really great price. Mr. Whiteley
7 stated that the savings will be in the Class C fund; the City will use a very small amount of Class C money as a large portion
8 of the project will be funded by grant monies.

9 [7:55:09 PM](#)

10 Mayor Nagle stated there has been a motion and a second to award the contract and she called for a vote. ALL
11 VOTED IN FAVOR.

12

13 9. City Manager Report.

14 City Manager Rice's report began at [7:55:16 PM](#)

15

16 10. Mayor Report.

17 Mayor Nagle's report began at [7:58:00 PM](#)

18

19 11. Councilmember Reports.

20 Councilmember reports began at [7:58:24 PM](#). Councilmember Johnson provided his report followed by
21 Councilmembers Peterson, Duncan, Shingleton, and Lisonbee.

22

23 At [8:09:01 PM](#) COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. ALL VOTED IN
24 FAVOR.

25

26

27 _____
Jamie Nagle

Cassie Z. Brown, CMC

City Council Meeting
January 8, 2013

1 Mayor
2
3 Date approved: _____

City Recorder



COUNCIL AGENDA

January 22, 2013

Agenda Item #3

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