

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING	Wednesday, December 14, 2011 7:00 p.m.
CITY OFFICES	220 East Morris Avenue – Suite 200 South Salt Lake, Utah 84115
PRESIDING	Council Chair Casey Fitts
CONDUCTING	Council Member Irvin Jones
SERIOUS MOMENT OF REFLECTION/ PLEDGE OF ALLEGIANCE	Council Member Michael Rutter
SERGEANT AT ARMS	Officer Ferguson

COUNCIL MEMBERS PRESENT:
Casey Fitts, Ryan Gold, Irvin H. Jones Jr., Boyd Marshall, and Michael Rutter,
LeRoy Turner, and John Weaver

STAFF PRESENT:
Mayor Cherie Wood
Paul Roberts, Deputy City Attorney
Kyle Kershaw, Finance Director
Glenn Smith, Urban Livability Director
Ron Morris, Fire Chief
Sharen Hauri, Urban Design Director
Lisa Park, Finance Department
Jennifer Allred, Community Development Department
RaeLin Phillips, Urban Livability Department
Craig Burton, City Recorder

STAFF EXCUSED:
Charee Peck, Chief of Staff
Lyn Creswell, City Attorney
Kayla Moss, Deputy City Recorder

OTHERS PRESENT:
See attached list

APPROVAL OF MINUTES

November 16, 2011 Work Meeting. Council Members Marshall and Weaver requested some additions and corrections to the minutes. The City Recorder will make corrections and bring the minutes back for approval in January.

1. SCHEDULING. The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.

2. CITIZEN COMMENTS/QUESTIONS.

Tommy King, 32 East Southgate Avenue. His mother recently received help from the Community Development Program. It is a well-run program. They are very easy to work with and they do exactly what they say they are going to do. They also painted his house. He was amazed at the amount of volunteers that came. There had to be 75 to 100 people and by noon they had both houses completely painted and they did an excellent job. He is grateful for the City employees who volunteered their time on Saturday and after-hours to finish up some of the work up on his roof. He really appreciated their work. He is on disability and a limited income.

Brian Lee, 44 West Crystal Avenue. World Changers put a new roof on his house and the City employees came over and painted the house. It looks wonderful. With the other three houses on the street receiving some help the street is amazingly different. He appreciates South Salt Lake so much. It's a great place to live. He appreciates the work that was done that he couldn't do himself because of his back problems. It was a lifesaver.

Kayla Duffy, Youth City Council, 66 West Crystal Avenue. She would like to see the City purchase the former Granite High School. Youth City Council has worked on the Granite High bond and it's really important to them. There are a lot of opportunities to make it what we want.

Ron Mortensen, Herriman, Utah. His business rents office space from the City here at City Hall. He and group of others from Herriman, Utah, helped with the City in the service projects. He was impressed with the ownership of the City employees and the investment that they have in the community here. How well organized it was and the great opportunity it was for them to come and help and give back to the community. He hopes there are future opportunities and that the Council will support their efforts. They did a great job.

3. MAYOR COMMENTS. Mayor Wood wished everyone a Merry Christmas.

4. CITY ATTORNEY COMMENTS. Deputy City Attorney, Paul Roberts, asked Community Development Director, Mike Florence, to talk about land use updates that the Land Use Committee has been working on and share their plans for the next several months.

Mr. Florence explained that they updating the zoning code. They would like to run proposed ordinances through the Land Use Committee, to the Planning Commission, and then to the City Council. Each month he will be bringing something new to the Council for review and approval to update the zoning code.

5. CITY COUNCIL COMMENTS.

Council Member Rutter reported that he is seeing construction and things happening in the City. There are some good things happening in the City. He's excited.

Council Member Turner agreed with Council Member Rutter.

Council Member Weaver wished everyone a Merry Christmas and best wishes for the New Year.

Council Member Gold wished everyone a Merry Christmas and appreciates everyone's friendship. He looks forward to the next four years serving the City.

Council Member Marshall wished everyone a Merry Christmas and thanked everyone who has been involved in moving things along this year. He reported that the Mosquito Abatement District building will be completely paid for this January and they will have a smaller budget this year which means the City will probably be accessed a little bit less this year from them. He asked Mr. Florence to report on a business in the City.

Mr. Florence reminded everyone of the shooting that happened at the Arbat Reception Center on October 1, 2011. The City reviewed the Reception Center's conditional use permit and found they were in violation of a few items and their business license was suspended for twelve days from December 2 through the 12th. They had to fill four requirements to re-open which were, hold a neighborhood meeting, hire security, review security matters and operations of the business with the police department, and modify their contract with their tenants. Mr. Florence mailed out 157 notices to the residents around the reception center regarding the neighborhood meeting that was held tonight and no one showed up. The good thing is they all got a letter knowing that the City did something about the business.

Council Member Marshall reported the sidewalk replacement going on in the City is great. He also noticed one of the City employees changing a flat tire for a lady with a car full of kids. That's a good thing to help people in need.

Council Member Weaver said he is getting reports from citizens that 3065 South Street has become a convenient cutoff between 500 East and 700 East during high commute times and people are speeding down it. The residents are asking for some "Children at Play" signs to see if it will calm traffic.

Council Member Rutter reported that two businesses on 500 West between 3300 South and 3900 South told him there is high speed racing going on there.

6. INFORMATION

a. Youth City Council Report. Madison Paul and Rosealine Scheuerman, of the Youth City Council, reported the Council's activities of the last three months.

b. Report of Canvass of General Election. The City Recorder reported the results of canvass of the General Election. A copy of the results is attached to these minutes and incorporated by this reference.

c. Local Vendor Preference. Paul Roberts, Deputy City Attorney, explained that this is in response to Council Member Rutter's questions about this provision. This provision gives the vendors who reside in the City a five percent discount on their bid when they bid on a City project. For example, if a local vendor's bid is \$100,000 on a City project their bid is reduced by five percent to \$95,000 when comparing it against the other bidders. If another bid was \$96,000 it would lose to the local vendor's bid. He explained the pros and cons of the policy. There have been quite a few legal challenges raised on this issue but none have been successful.

Public Works is not aware of any bids they have had where this has come into play and Finance has not noticed any negative impact on the City's coffers.

There are other options. Something that has been done in other states is the preference is implemented by increasing the bids of non-local vendors and then you wouldn't be paying extra for using the local bidder. Another option is to allow bid matching if the local bidder is within a certain percentage of the lowest bid. So the local bidder would get the preference if it is within five or six percent of the lowest bid. That insures that they would be able to deliver on the contract.

He recommends that the Council gets input from the South Salt Lake Chamber of Commerce if they want to change it.

Council Member Weaver said he would be interested in more information on bid matching.

Council Chair Fitts feels that seems more of a benefit for both.

Council Member Jones asked if there is any history of using this preference in the City.

Mr. Roberts reported that there was one about five years ago when purchasing some fleet vehicles from Hinckley Dodge.

d. Community Connection Overview.

The following is a verbatim record of the discussion of this item.

Glenn Smith: Thank you for your time. I wanted to come and give you a recap of this last years' Community Connection Program. We started out with our goals being kind of minimal I think. As it went along we really had to expand due to all of the different resources that were kind of flooding us and coming at us. Again, we started out with the Mayor's vision, trying to capture more of our efforts into a particular program, so she kind of gave us free range to come up with this Community Connection idea. We were able to kick off our program April 30th. A few of you remember showing up in the snow. That was quite the day. We still got through it and were pretty successful. Our last project was October 15th. We worked throughout the summer and into the fall. How we funded this was we used the Community Development Block Grant funding. Throughout the summer we captured some donations from businesses. Just a review of our area that we selected...the boundaries were from I-80 to 2700 South, Main Street and West Temple. As we started getting more and more volunteers and more and more people wanting to help we had to expand that area on different occasions to meet the need for the different volunteer groups.

I'm just going to recap some of the major accomplishments that we had...we were able to get two new murals in the City. The first one is on the Bonwood Bowl on the North side of the building. If you can kind of make out the picture on the top right there that's actually a dandelion field and the concept is when the wind blows the dandelions go off into the wind. Well this group that came in and did it was actually from the Cottonwood Youth Treatment Center and so there are some troubled kids from this program that actually came and did this so it probably has a lot of meaning to them. It actually had a lot of meaning to the City employees that got to help with that. The lower pictures, 2700 South and West Temple, that wall was notorious for getting tagged and so we worked with Troy Bennett through the Arts Council who had the U of U art students paint several different pieces of famous art work along the wall there. Along the pavement they actually painted footprints so you can go stand there and get your picture taken and it would seem like you were in the painting.

This was a curse on several that had to use their shovels. This was one of the more difficult projects, the replanting of the park strips. Several of the park strips we actually had to take out cement or asphalt and then replant it. The replanting part was a lot of fun, but the tearing out was pretty difficult. Along West Temple we were able to replant several park strips using United Way's Day of Caring. We had just over 70 volunteers that day alone. That was quite the operation to see

When we first started our project we drove our entire area and kind of took some notes as to what the area felt like and what it looked like. What added to it, and what took away from it. Fencing actually if you take the time to drive down your neighborhood and notice a chain link fence that's in good repair versus one that's all rusted and bent, it really takes away from the neighborhood. We were able to remove for example this fence and I believe the World Changer kids did this one. We had some kids come in and do this one so hopefully we can encourage some adults to get involved next year and do some more work. We were able to clean

up 62 yards and landscape several of those, 24 of those were done on that first day in the snow. We had many trees, shrubs, weeds, all sorts of debris just removed in the initial push and that kind of went in line with our CEPTED principals, crime prevention by environmental design. We implemented that where we got rid of hiding spots for people and we opened up a line of vision for people as they drove down the street. It had a big residual affect that we were glad to see. As we were doing some of these projects, neighbors that weren't getting the work done on their homes we saw them come out and start doing work on their homes. So it had that spreading affect which we were really glad to see.

Fifteen homes were painted. A couple of folks mentioned that they had their homes painted. With the age of a lot of these homes, most of them had lead paint on them so we really had to get creative and inventive in some cases to still accomplish our goals. You can really see the difference some fresh paint makes. Zions Bank, the RAIN foundation, church groups, and South Salt Lake employees were able to accomplish the 15 homes getting painted.

We had five roof replacements. Four of those came from the World Changers group and one from South Salt Lake employee day of service. People had to qualify to get their roofs replaced. Lisa and RaeLin managed the application process. They had to be income qualified to have that benefit. A lot of dirty people and broken backs the next day.

This picture again was a little bit out of our project area but you can see the difference that the RAIN foundation was able to make for this lady. She was in desperate need of a wheel chair ramp because she was getting to that point where she was getting pretty confined to the wheel chair. They changed her life with the ramp. There was another gentleman that is confined to a wheel chair. Some work with Salt Lake County housing and South Salt Lake employees were able to make an upgrade on his wheel chair ramp as well.

I don't know if you have heard about this project or not. Again, this is a Mayor's initiative. I want to give her credit because she is trying to find new ways to combat graffiti. She put the challenge to employees so we started doing research and this is another CEPTED principal, crime prevention through environmental design. These are utility boxes and this is a program that you'll see worldwide if you research it. What it is, it replaces a blank canvass with art. The theory behind that is that a graffiti artist won't put his art over someone else's art. Other cities have had success. What we did was we started out to make this work. We found Jody Hutchins, he is a City employee and talented artist. We pressured him into getting us some art work. These were actually paintings that he did by hand. We took those paintings down to Highline Reprographics and they donated their service to digitize the paintings and we took that CD to Queen of Wraps, another local business, and said, "Hey here's this program we want you to partner with us." So they donated their service to wrap the first two boxes that I know of in the State. So we are pretty excited about this. You can go down to 3285 South State Street right next to the movie theater. This is where these are located. They

haven't been touched yet by any vandals, we are pretty proud of that. We're taking stock into locating the rest of South Salt Lake's utility boxes and I know UTA is kind of interested in this program and UDOT also.

So just to kind of capture some of the total numbers here we had over 1,600 total volunteers throughout the summer, over 11,000 volunteer hours on 30 different project days. Then that dollar number on the bottom I just took the minimum wage and times it by the total number of hours and that's what we came up with that we captured, but that's minimum wage. There was a lot of professional skilled contractors that came out and donated their time, so if we took their actual hourly wage this would probably be triple or quadrupled potentially.

I want to take a minute and read a letter from another citizen that after his home was worked on he sent this letter in. It had to be translated so it's a little bit broken. "Is my great appreciation for everyone in general. A million thanks to everyone that helped. You give me the greatest help ever with my house. The painting and cleaning you done. Now I'm embarrassed for every single thing that was done that I have not been able to do in my own home for seven or eight years. Again I apologize to all." So again touching these people I think is our ultimate goal. To help those who might not be able to. I have one more slide, sorry. I just want to wrap up by where are we going from here. Again, having the Mayor pull the team together to build the promised partnerships idea together. You can see on the bottom, neighborhoods, that is the foundation of the house and I think that is kind of what Community Connection is all about. We've already been contacted this week by Comcast and they want to come in this next spring and do a pretty big employee day of service and give some potential donations. So word is getting out about our project that we're doing. It's pretty exciting to see where it's going to go.

I want to recognize a few people. I know I'm going to miss several that had key roles but, Mike Florence, Paul Roberts for making sure we did things legally, Corby Talbot, Patrick Ryder, RaeLin Phillips, and Lisa Park. Definitely all the street captains, there were seven of those folks. Then the department heads for allowing their employees to come and be part of this program. We definitely couldn't have done it without a lot of help from a lot of different people. With that I just want to turn a little bit of time over to Lisa for a few presentations.

Lisa Park: We just wanted to recognize some of our volunteer groups that went above and beyond what was expected. Some of these groups have been with us several years and we have never recognized their efforts. So we felt like we needed to do something. This is our first year with Community Connections and it was, as you see, very successful. We have a few groups we wanted to recognize. We're doing special certificates from the Mayor's office to all of our volunteer groups but we had five in particular that just, like I said, went above and beyond expectations. So the first one we wanted to recognize was Zion's Bank. They had the Zion's Bank Paint-A-Thon. Gloria Wilkinson is the Vice President of Community Relations and responsible for selecting and qualifying each home

owner. I did not realize how long they've actually been doing these painting of some of our homes in the community. They've actually been doing it for 21 years. In that 21 years they have painted about 23 homes within South Salt Lake through their Paint-A-Thon program. They supply all of their own paint and supplies when they do the projects along with their volunteers. We really appreciate them and their efforts. Gloria has been really wonderful to work with, thank you.

Gloria Wilkinson: This has been an honor for me to work with Lisa and her staff. Lisa has been tremendous in helping me to locate different homes to paint and as I went out to talk with some of the homeowners it has been really an honor for me to get to know them and then to be able to do something so valuable for the community. Zion's Bank is really appreciative of this opportunity, so I want to thank you.

Lisa Park: The next one is World Changers. We had Mark Madison with us, representing World Changers. This was our fifth year working with World Changers. Throughout the last five years we've been able to work on 59 homes with 1,225 volunteers. They're here for week long projects every year and they travel from all over the nation to perform rehab projects and serve our residents. We wanted to say thank you to them also for their contributions and for everything they've given to South Salt Lake for the last five years. We look forward to many more. Thanks.

Mark Madison: Thank you, I think this will be our sixth year this next year, 2012. We plan to have 200 volunteers this year doing projects the third week I believe of June. Also I wanted to say that I'm the regional chair for the volunteer organizations active in disaster for this area and thank you to South Salt Lake for allowing us to use your facilities to hold our meetings where we're able to coordinate the different activities that we do with that, thank you.

Lisa Park: Our next group is the Kyle Korver Foundation. They are a new partner this year. We have Brad Mephram and Eric McHenry representing them for Project RAIN. RAIN stands for renewing and inspiring neighborhoods. Project RAIN was committed to a long term partnership with the City and in its first year completed 16 projects on five homes with over 150 volunteers and approximately \$16,000 in donated materials and supplies. They've completed two wheel chair ramps and signed up over 20 South Salt Lake residents for the new winter snow removal program that they've just started. It's great because it's like we're the test City that they've chosen to do all these new projects for. It is just fantastic to be the first City of RAIN, the first City with the winter snow removal program and we just really appreciate all of their efforts and their dedication to helping in South Salt Lake. Thank you.

Brad Mephram: Thank you guys so much and I really greatly appreciate the opportunity and just want to extend to you guys and the Mayor. Kyle Korver, who used to play for the Jazz and now plays for the Chicago Bulls...just want to thank you guys for the opportunity to serve the community here. South Salt Lake is a

great place. I think it gets a bad rap sometimes but it's a great place. We're very blessed to be able to partner with a lot of your citizens and you guys have a great team. The Mayor and all the team behind them have just made this an amazing process for us. We thank you, Merry Christmas to you and God bless you guys.

Lisa Park: The next group is United Way. Brian Gyver is the volunteer engagement director and he's here representing them. United Way has been a partner for the past several years and this year we were able to participate in the United Way Day of Caring which brought in about 600 volunteers for a one day event. They were able to donate about \$2,000 towards the projects supplies and earlier in the year they also participated in a half day park strip planting project as well. So we'd like to thank them for all of their efforts and we look forward to a long relationship with them also. Thank you.

Council Member Weaver: They didn't stick you with the concrete removal in the parking strip did they?

Brian Gyver: They actually did and I'm still blistered up from those pick axes. From United Way we're an organization and we understand we're only as good as our partners and South Salt Lake is a fantastic partner, so thank you from our entire organization.

Lisa Park: The other group we wanted to recognize is the K2 church. They're not here right now, they were unable to attend. Their church is located here in South Salt Lake. A lot of you are familiar with them. The K2 church partnered with us on over 15 projects this year, utilizing over 170 volunteers. They also contributed approximately \$5,000 in materials and supplies. We really appreciate them and will make sure we get their plaque to them

I also wanted to recognize one other group that is here. That is Ron Mortenson. He spoke earlier, as many of you know the LDS church has been encouraging their congregations to go out and do days of service. Ron called us because he works here in the building. He asked what they could do, he wanted to bring his ward from Herriman out to South Salt Lake to do some projects. It was really wonderful working with him. It was amazing to see the people that wanted to come here and work in a community that wasn't their own. We've been giving him a bad time about coming back next year and we're hoping that they will be willing to do that. We're hoping to try something new and maybe encourage some of these areas that maybe are searching for activities and for service projects to come to South Salt Lake and help us. So it was really nice to have them representing the LDS church in their efforts and we really appreciate it, so thank you

That's what we have for right now. We do appreciate everybody that participated. We had lots of volunteer groups. Like I said, these were some of them that went above and beyond what was expected and we just really appreciate. Hopefully we'll do even better next year.

Council Member Marshall: Great!

Council Member Jones: Thank you, one more round of applause.

e. Housing Plan-Community Conversations. Sharen Hauri, Urban Design Director, reminded the Council that the Community Conversations flyer will be in mail boxes on Saturday, December 17, 2011. It is being mailed to every home and business in the City. They are planning that the Mayor and City Council will participate at these events.

f. Parley's Trail-Community Outreach Process. Ms. Hauri advised the Council that there are a significant number of people in the community that are interested in the Parley's Trail. The street car project only covers the street car itself. It does nothing to improve the trail. There are two pieces of open space on either side of the track. The City is now going to figure out the design for these open spaces and activate them with both the trail and other urban design elements like lighting and benches. Each block is very unique. A basic concept design is hard to come up with because of how different each block is. She would like to get input from the citizens who live around this area. The City would like to get this going at the same time construction starts on the rail line. There could be cost savings with doing it that way. Salt Lake City is prepared to start funding this greenway. They don't know that they will have it in their budget next year but they wanted to have this project complete by April so that they can consider it in their budget for next year. There is a possibility that any left over funding from the street car project could go towards the greenway. The first step in this process is to establish a steering committee. This has already been done. The second step is to establish a stake holder committee. This would include residents, business owners, neighbors, and interest groups. She has had some volunteers for this group but she would also like to get suggestions from Council Members. They will hold monthly stake holder meetings. As a result of all the meetings that will be held the City hopes to have a complete concept design and cost estimate.

Council Member Weaver asked if this would be eligible for CDBG funding.

Ms. Hauri was not sure of the answer. It needs to be looked into further.

ACTION ITEMS

Unfinished Council Business

- 1. Presentation by Pinnock, Robins, Posey, & Richins, Auditors of the June 30, 2011 CAFR (Comprehensive Annual Financial Report).** Kyle Kershaw, Finance Director, explained that the Council is being presented the Annual Financial Report and the Audited Statements of the City. The Council acts as the Audit Committee of the City and that is why it gets reported to them and not someone else. Also the audit presentation gets delivered tonight not because the City wants to do it, or because the auditors want to, but because it is required by

accounting rules and State law that this presentation gets delivered and presented to the Council as the audit committee. The City administers and experiences thousands and thousands of financial transactions during the year, every paycheck, every account payable check that goes out, etc. The sum of these transactions all get compiled into one report. All of these transactions get recorded to the best of their ability and are put into the financial statements. Then, according to law and good practice, outside CPA's come in and audit the financial transactions to make sure there are no material misstatements within. Wade Watkins is at the meeting to represent Pinnock, Robins, Posey & Richins and to present the results of the audit.

Mr. Watkins reported that, "In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of South Salt Lake as of June 30, 2011." That is a "clean opinion" on the financial statements of the City.

For the City they issued a report on government standards. They are required to do additional audit procedures under government auditing procedures. There was one item found that is considered to be a "material weaknesses". They also found an item considered to be a "significant deficiency". There were no deficiencies noted in the compliance. "The results of our tests disclose no instances of non-compliance." They tested the CDBG grants and the 21st Century Community Learning Center Grant. Under compliance, the letter states: "In our opinion the City of South Salt Lake complied in all material respects with the compliance requirements of those programs." "We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses." The single audit had no findings to report. This is the first year this has happened in two or three years. He congratulated the City on this.

The report also showed that, "In our opinion, the City of South Salt Lake complied in all material respects with the general compliance requirements for the year end June 30, 2011." However certain instances of non-compliance were found what they consider to be immaterial. These instances did not change their opinion. This means the City had a clean opinion on compliance with State Law as well.

Mr. Watkins then went back to the material weakness that was found and also the significant deficiency. There was a material weakness on accounts payable cutoff. The department authorizing the payment of the expenditures instructed the finance department to recognize expenditures in July of 2011; they should have been recognized in June.

Council Member Weaver asked Mr. Kershaw why the request was made.

Mr. Kershaw advised that it was a new employee who was inexperienced with the cutoff routines. The intent wasn't to try and hide anything; they just did not know there was a cutoff date.

Council Member Weaver asked why the request was made in the first place, what advantage did that give?

Mr. Kershaw advised there was a concern over budget; if there was budget in the old year or the new year.

The significant deficiency was in capital asset additions, certain maintenance and training costs, related to the software were capitalized as assets that should not have been.

Mr. Watkins advised the Council that the court surcharge remittances are required by law to be submitted by the 10th of the following month and there were a few months that didn't happen. Many cities have this happen. It is difficult to get all of the court reports processed and submitted and get it to the State within 10 days. They see this quite often, it isn't a very big issue

The net asset balance on the ambulance fund is in the deficit position. By State Law that is not allowed

Building permit remittances are required to be submitted quarterly by the end of the first month of the following quarter

There was one quarter that missed the deadline. Management has said that they will submit these on time in the next year.

The treasurer fidelity bond was below the minimum amount requirement. It is currently in process to increase this amount.

There was a new accounting standard issued. It dealt with the fund balances in the governmental funds. This changed the classification in some of the titles of the fund balances. It changed the terms from "restricted funds", "unrestricted funds" to "assigned funds", and "unassigned funds".

The ambulance service fund continues to have losses. There have also been losses in the Water Utility Fund. They should be at least breaking even. If they don't, the City may need to raise rates.

The auditors look at the internal controls of the City and test compliance with certain things. The audit was performed according to the engagement that was approved in a July meeting. The auditors did not identify or encounter any significant deficiencies in working with management. The auditors appreciate the relationship that they have with the City. There were ten uncorrected misstatements. They have looked at them, and they are immaterial. The numbers seem big but the vast majority were in conjunction with the PTIF funds. The

value fluctuates each day and the things passed on were very minor. There were no disagreements with management.

Council Member Weaver thanked Mr. Watkins for the job that they did.

Mr. Kershaw gave credit to the Mayor and City Council for creating an environment where no corner cutting is allowed. That makes it really easy for accounting staff to be able to say that they have the full backing of the Mayor and Council.

a. Adopt Resolution Accepting the Audit Report for Fiscal Year Ending June 30, 2011.

Council Member Marshall moved to approve this resolution.

MOTION: Boyd Marshall

SECOND: John Weaver

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Aye
Rutter	Aye
Turner	Aye
Weaver	Aye

New Council Business

- 1. Appointments by the Mayor.** Mayor Wood advised that they will be ready next council meeting for the appointments.
- 2. Discussion of Budget Amendments.** Mr. Kershaw gave the Council a list of budget amendments. They are mainly housekeeping items, mid-year adjustments. No action will be taken for a while. A Public Hearing needs to be held first. Most of the changes in the General Fund are grant information that was received after the budget was passed. The recreation department got a Title II grant to conduct some programs at Roosevelt Elementary. One of the issues needing to be changed is the Fire Marshal position is being transferred from the Fire Department over to the Urban Livability Department. There was a proposal made that we have a part time employee who currently works in the Fire Department. Mont Roosendaal, Fleet Manager, has a need to become aggressive on fuel management functions. The thought was to increase this individual to full time and be allocated half from Fire Department and half from Mr. Roosendaal. Mr. Roosendaal is convinced that we can fund this from savings out of the fuel account. The Police Department got a JAG Grant for the in car systems. This was after the budget was passed. Troy Bennett, Parks and Recreation Director, has some carry over funds of the EECBG which he used to upgrade HVAC over at the old Wilson school, and some solar

power enhancements at the Columbus Center. When the Pioneer Craft House was acquired there was some money set aside for purchase and to make some improvements. The improvement costs have been carried in the capital fund as a line item. The recommendation is to allocate that \$121,000 as spendable to perform some critical repairs. There was also a fire in the kiln building that caused \$18,100 in damages. We received settlement of \$8,100 because we have a \$10,000 deductible. There were some CDBG funds that will be carried over for park improvements to pay for the swing set on Robert Avenue and replace trees at Fitts Park. The Police Department got a small grant for rifle scopes. We received a water conservation grant that is being used to rework the irrigation system at Fitts Parks which is \$72,000. We will transfer some funds from the road projects account so there won't be any new funding required. The heating unit went out in City Hall and it was a \$30,000 replacement.

In the RDA fund we have the purchase of the D'Ambrosio property. A public hearing will be held in January for the Council to discuss and vote on these items.

- 3. A Resolution of the City of South Salt Lake City Council granting permission for the Police Department to appropriate certain property in its possession to public interest use.** Mr. Roberts explained that the police department has thirteen bikes that have come into their possession. They have gone through the process of trying to locate the owners or someone who can prove ownership. They also published notice in the newspaper that they are planning on appropriating these bikes. Under state law the Council is the body that has to approve the appropriation for public interest use which can include donation to a charity such as PAL and that is their plan, to give these bikes to the PAL program.

Council Member Weaver noted that the last bike on the list has a dispute of ownership notation saying that neither party has been able to prove ownership. He asked if it would be prudent to strike that one off the list.

Mr. Roberts agreed that it might be wise to give them more opportunity to attempt to resolve that issue.

Council Member Marshall moved to suspend the rules.

MOTION: Boyd Marshall

SECOND: Michael Rutter

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Aye
Rutter	Aye
Turner	Aye
Weaver	Aye

Council Member Weaver moved to approve the Resolution of the City of South Salt Lake City Council granting permission for the Police Department to appropriate certain property in its possession to public interest use but striking out the final item on the list.

MOTION: John Weaver
 SECOND: LeRoy Turner

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Aye
Rutter	Aye
Turner	Aye
Weaver	Aye

4. A resolution of the City Council of South Salt Lake authorizing the Mayor to allow city employees to provide private improvement services on City work time.

The following is a verbatim record of the discussion of this item.

Paul Roberts: This is in connection with the Community Connections Program which we've heard so much about today. Under state law if a City is going to devote resources to private entities, including non-profit and charitable organizations, the Council needs to recognize a public purpose that's supported by that program. In this particular case you've heard a lot of examples tonight of... I think there's a lot of goodwill being generated by the Community Connection Program including increased public health, neighborhood stabilization, increasing property values, and protecting those values, and also sustainability of the community. While the City wouldn't be appropriating funds or resources specifically it would be allowing the employees to go on City time and perform these jobs. We've had department directors who are interested in doing that and we had a couple of people express that they really appreciate when City employees make an effort to come out and work and invest in the community more than just sitting at our desks.

Council Member Weaver: I need a clarification here. The way you just worded it, it almost gave me the impression that we're currently not in compliance with State law?

Paul Roberts: Not necessarily because we haven't been expending money. This is more about an abundance of caution. We're going to make sure that no one can challenge this type of program, that the Council has been given full disclosure. This was the solution just to make sure no one can attack us later.

Council Member Marshall: More or less to set up some guidelines that the City follows to protect us I think.

Council Member Weaver: Yes. I understand that and I'll just preface by saying that I'm very impressed with the progress that's been made with the Community Connections Program and the things that it's been doing for residents and for the City as a whole. I think it's improved, not only the lives of individual citizens, but it's improved, I want to say morale in the City and our City image, very valuable. Some of the things that seem a little bit disconnected the way its worded currently is that for six years I've been hearing that we have, overall in the City, an FTE shortage. That every department could use more help in order to accomplish their core missions and this seems to run counter to that on a certain level. I guess what I'm saying is good, better, best, that there's no question that these are very good things but the question is, "Is this the best use of city employee time?" Understanding that we are going to be engaged, that we are going to coordinate activities with non-profits and that we want to continue to do the things that we're doing. But the way it is written it potentially opens a door that I don't know that I'm entirely comfortable with. Just in the sense of we need to make, and again I'm thinking down the road, because if for example, we were to approve this, this would then become part of the operating model for the City forever until such time as another City Council chose to change it. And one of the things that I think we need to be a little bit cautious about is a... Of course we trust ourselves but we're not going to be ourselves in these positions indefinitely and we need to make sure that there are checks and balances. The way this is written currently it's at the sole discretion of a single individual as to determine what a project is and to determine the resources allocated to it.

Council Member Rutter: Now John, wait a minute. That's your opinion, is that a legal opinion, or is that a legal opinion that has been approved by leg... I'd rather hear it from the attorney than from us. I'm not an attorney. You might be right John. I'd like to hear it...

Council Member Weaver: I'd be happy to ask our attorney.

Council Member Rutter: I'd like to hear it from our legal opinion than from our opinion.

Paul Roberts: Well, essentially the Mayor has the authority to direct the employees to do as the Mayor will. This is more to... Some of the projects have been focused on low income individuals and when that's the case we use CDBG funds. There are certain programs that apply to those people and those would be happening regardless. There are some private individuals that aren't income qualified but are still needy and have some major needs. So the Mayor will be able to direct the people to do this. This is essentially to have the City Council's blessing that, if this is going to take place, there's a public interest purpose.

Council Member Weaver: I appreciate that but I think the question was, my assertion was, that this allows a single person to designate an approved project or an approved use. Is that correct, in the form of the Mayor? And this has nothing to do with the Mayor current I'm just saying that ...

Council Member Marshall: But that falls under the Mayor's purview as the chief administrative...

Council Member Weaver: And the justification used under here is, second paragraph, "since such employee community services are supported by department budgets approved by the City Council." So the assumption is that because we approve a budget that we should approve this and all I'm saying is that ... Here's an example Boyd. To the north of us we had a wind storm a few weeks ago. We had communities up in two counties, where there was a significant need, and in many of those communities the Mayor said, "All hands on deck. Before the second storm comes in and blows all this loose debris around causing more damage, we need to have city employees and residents and cities and volunteer groups, any and everybody we can to get out and clean things up." And that took place in an expeditious way and it was done through the initiative of the local mayors with the blessing of the local councils and it happened immediately. So, I guess, part of my question is, I can understand why Lyn would have concerns as to making sure we're in compliance on some of the things we're doing. I'm not suggesting we retrench or that we stop doing the things that we're doing. My only concern is this, the way it is worded, could open up some unintended doors that haven't been looked at.

Council Member Rutter: And my question to you sir is, back to our attorney...

Council Member Weaver: One person decides.

Council Member Rutter: In your opinion, as our legal counsel, is the way that you've got it written, is that legal? Will it pass mustard or, as a council member, is he correct, that it won't pass mustard. He's saying it won't...

Council Member Weaver: No, I'm not saying it's not legal. What I'm saying is what it does is transfers discretion and auth... and I mean, where appropriate, designated community services... but what it does is it designates to one person...

Council Member Rutter: The example you used for up in Centerville, I think that comes under a different law. That was a national, that was a not national, but an emergency disaster that I think would probably be covered by a separate approval under government statute.

Council Member Marshall: Mr. Chairman, may I make a comment please?

Council Member Jones: Roy's been very patiently waiting and then Boyd.

Council Member Turner: I don't want to argue the point whether we ought to be doing that or not, but I think we need to give a little bit of thought to what I call the "red face test." We tell the public that we're managing our money absolutely down to the penny and that we don't necessarily have as much money as we need, then we turn around and say, like John just said, "We have money to put people on volunteer projects." My point is I think we need to be very careful in determining how we're going to market this to the public if we're going to do that.

Council Member Marshall: Well in the first place I don't think this is a... the intent of this is that we're going to do this on a regular basis. This is... well...

Council Member Weaver: I have three questions, frequency, type and average of time.

Council Member Marshall: I have the floor John, I'm sorry. The other thing is when you go back to the budget. We passed the budget. It's up the Mayor to spend it how appropriate. We have nothing... As long as she stays within the budget we have no real say in how that budget's spent. So, if she chooses to offer some of the employees a service day I think she's every bit entitled to that. But you notice it also states in here that employees who volunteer on their days off... we're covered there because they're not acting in an employee capacity, they're not being coerced to join in it. Nobody has to do it.

Council Member Weaver: And I'm not questioning anyone's intent.

Council Member Marshall: Any Mayor or Council can ask that this be changed down the road. Anything that we do can be changed by any subsequent council. It's not like it's written in stone for the next fifty years.

Council Member Weaver: And again, this is on New Council Business so my assumption is that we'll have an opportunity to get more information.

Council Member Marshall: Yes, we will.

Council Member Weaver: Some of the information I would like would be what is the anticipated frequency of using employees while on the clock for these purposes?

Mayor Wood: Eight hours a year. They're allowed eight hours a year which they can serve in two four hour increments. And those are days that we set up for employee days of service so there are specific days to offer the staggering.

Council Member Weaver: What is the limiting factor on the eight hour? In other words, you say eight hours, that's determined by whom or what and who modifies that?

Mayor Wood: It's between the employee and their department head. They have to have approval from their department head to make sure that their job duties are covered that day...

Council Member Weaver: So existing policy states eight hours maximum?

Mayor Wood: Per year.

Council Member Weaver: Per year, two four hour increments.

Mayor Wood: What we've seen may be important for you to know, is that we have them come out and they end up doing more. They come out and on their own time...

Council Member Weaver: I don't doubt that for a minute.

Mayor Wood: The other thing is, is that it's a great team building. We've got, you know, firefighters working with office staff and police officers and, you know, doing things that nobody's really an expert on and so it really takes everybody to a different level because nobody's in their comfort zone necessarily. It's been a great team building...

Council Member Weaver: I'm not criticizing what's taking place. I'm just saying that the documentation that I received, and that we received, can easily be read as a carte blanche. In other words the eight hour maximum was never put there. The...I guess what I'm saying is the supporting details were not in this so as I go and review it, I review it as this was written. So those are the kinds of things that are helpful to me to be able to make an informed decision. And again I don't know what the answer is to this but if we have paid employees working on volunteer projects, one of my questions would be what are the potential liabilities associated with that? Are there exposures that the City is now incurring by putting a paid employee, even in a volunteer capacity on private property for private benefit, and I don't know the answer to that so it would be helpful to get some information there. In response to Mike's concern, is there a difference between is it legal and is it prudent, I would like to say there is an important balance of checks and balances. As I ran this under the nose of an attorney friend of mine, who is licensed, member of the bar, in other words legitimate. His initial assessment was... well he said this, in some regards, amounts to a transfer of prerogative from the legislative to the executive. So within the context of yes we approve a budget and yes that budget is there. If a Mayor could operate solely off of a budget and didn't need this permission, or this requirement, then why is it coming to us? So his opinion was, based solely off of this, was that this represents a strengthening of the executive and a weakening of the legislative on this issue of use of employee time. Again, no information on eight hours maximum, no information on these other supporting pieces of information. We can legally do a lot of stupid things. There is no question, and we might have. So it's not purely legal in terms of questions in my mind. The question is, is it prudent, is it wise and are we conforming to appropriate principals of checks and balances and

proper oversight. Even on our return today with our finances. A couple of the little things that we got dinged on was basically we need to be a little more careful about oversight. We need to be a little more careful on reviewing some things. And they're not huge things, but if ignored they could become.

Council Member Marshall: I don't know what kind of capacity your lawyer friend works in, and that's all fine and good but the Mayor brought this to us. The reason these things are brought to us is so that we can work out the details. It's not like she is trying to do an end run on us here. And part of this community service, whether you have been out on these or you know it or not John helps the citizens see the employees in a whole different light. The employees of this City, I have been here since 1994 doing this job, I have never seen employees in this City that are not willing to go the extra hundred and ten percent to make sure things in this City work well. There's no hidden agenda in here that someone is going to make money or somebody is.. These people do this because they have goodness in their hearts.

Council Member Rutter: I still go back to my original concern John that you as a council member, your opinion, you didn't quote your attorney's opinion. You gave it as your opinion that it did not smell, or feel, or come close to being legal. Or something that we should follow. Again, I refer back to our counsel that we pay to give us legal opinions. The thing you have all talked about I have no query with but I want to know is this thing legal. Is it legal that we can follow this. If you say that it is, great.

Paul Roberts: Yeah, it's legal.

Council Member Rutter: Great, end of discussion.

Paul Roberts: And I have more comments after Councilman Fitts.

Council Member Weaver: We could legalize prostitution in some states.

Council Chair Fitts: I think given the desire that we have to hear this twice I think we should make this less about debate over the merits and more about the questions we want answered. That's part of the point is that if we have questions that need to be answered and information that needs provided it seems pointless to debate the merits of it until we have the answers back. But that's just my opinion and one thing Mr. Rutter, I did not hear John's comment as a legal opinion.

Council Member Rutter: No he just gave it as his opinion.

Council Chair Fitts: His opinion, I think that's what the seven of us are here for. Our opinions are not always the same but that's certainly what we bring to the table. If we don't bring an opinion on the matter there's no use in us being here. One question that I might have, and Mayor I certainly agree with what Boyd is saying. So that's the reason for my question, I don't make it part of my business

to understand administrative policies regularly. Do we currently have a cap on sick pay accumulation? Or is that open ended?

Mayor Wood: We have a cap. It is 96 hours.

Council Chair Fitts: The one thing that I may... I also agree with what John and Roy are saying. I think that it's great what you've done and I think as we've seen tonight, extremely impressed with what's been able to be done. I don't know if there would be a possibility to kind of create somewhat of a middle ground to in essence say you know what we're willing to pay one hundred and four hours. If you reach that cap of 96 sick hours, those are typically our employees who are really well engaged. They're the ones really here doing their jobs, I think those are also the same people who say you know what I want to participate in this type of program. That might be one compromise that I would suggest. We can certainly accomplish what certain Council Members have to say you know what we really don't have the time available to send people to do volunteer projects. We need them doing the core elements of what they have to do here. But we can also certainly accomplish what it is you're trying to do to incentivize people to put themselves out there a little bit more. I don't know if that would be amenable to certain members of this Council but that's where I think you could in essence accomplish both is by saying those who have those ninety six hours... I don't understand HR law and Paul I don't mean to be trying to give a legal opinion it's just a thought here. Is if there is a way that we could in essence say, you know what, those who reach this in essence can qualify to have additional hours. Like I say I'm not saying whether I'm for or against, that's just a question I have. Whether that is a possibility of doing something along those lines so that we can really kind of have the best of both worlds. So as I said on the radio I'll take my answer off the air. I don't want an opinion tonight but that's just possibly a question to see if maybe that is something that works on there.

Council Member Weaver: I don't want this to be misconstrued. All I'm saying is based on the information that I received, which clearly was incomplete. I have... where would I know eight hours? I don't review the employee policy manual like I do the budget or ordinances or those kinds of things so part of what I was trying to get at is there are some additional follow up questions that I think are appropriate. Number one there is no accusation of any kind, I'm not accusing anyone of anything. No end runs, no nothing. I'm not intimating that the service that's being rendered is somehow inappropriate. I'm in complete support of the great things that are going on. I'd like to see more of it. Had a concern about are we in compliance with State Law and it seems that this seems to be part of a remedy to make sure that we're absolutely above board on that score. Which I'm supportive of. I'm not questioning the neediness of the recipients. Or the intent, or the goodness, or the dedication of City employees. None of those are part of my conversation or part of my questions, or part of my concern. My only concerns are dealing with what is being proposed and just wanting more information so we can make a good decision. And you know the questions I put down here are the frequency, the type, average hours required and some of that has been answered

this evening. Then just a question of, as Casey has also mentioned, how much latitude do we have within our FT totals to allocate towards philanthropic efforts. Knowing full well that our core responsibilities are significant and that we really do have departments that are probably understaffed and have a lot on their plates. There's a balance and there's that good, better, best. There are a lot of things that I would love to do but there's not enough of me to go around. We need to make sure that we don't put our employees in a situation where there's not enough of them to go around to do the core things in addition to the really good, nice things as well. It's that balance that has been of concern to me. So that's all I was trying to accomplish, I mean this isn't... there's no finger pointing, there's... I just want to understand this so I can make a decision and follow through on it.

Council Member Marshall: Well I have to apologize John because it didn't sound like that's the way you were coming across at first. I would suggest that this goes on Unfinished Business next week with the concerns John has answered.

Paul Roberts: I can address some of those now if you'd like.

Council Member Marshall: Well make sure we have them before next weeks' meeting. We've hashed this out enough tonight. We all know where it's going, where it stands, there are just a couple of questions that need to be answered and I think those can be done when you send out our packets or if somebody maybe wants to give you a call during the week. We have until January 11th to worry about it. So, with that I'd like to make a motion to adjourn

Craig Burton: Is that a motion then to move this to unfinished business?

Council Member Marshall: Yes.

Craig Burton: We need to second the vote.

Council Member Weaver: I'll second it.

Council Member Jones: I'd like to make a couple of comments Paul now that the dust has settled. I have two things that are troubling. First of all as Roy was saying, the "red face test." You know when we're talking about raising taxes people don't want us spending more money. As John said it's all fine and good. I would be reticent to approving City funds to be going to this kind of stuff. Except in the case of, you know, the supervisors, the ones that are coordinating it. But that would be my concern. The second one is I would really want to see some kind of documentation of where this exactly...time spent, where they were, and what the person was doing. Because I would love to have the Mayor come to my house and work on my house for a while and so I don't think there is that intent for abuse but there's that opportunity.

Paul Roberts: The resolution itself, the language, talks about a report coming to the Council every year. Obviously the Council retains its power of the purse

strings if you think that the Mayor is doing something inappropriate you can tell her you're going to cut her budget. And that's where your real power is as a legislature, so really the point of the resolution is to recognize that the Community Connection program has a valid public purpose and that it enhances the community. If you have some problem with the way the Mayor is running it then you have the usual channels to challenge the Mayor on that. But ultimately the Mayor has to make decisions of priority every day, you know what's more important. Is it more important to slurry seal the roads, or to fix the sidewalks, we have to make these judgment calls. This was a program that the Mayor was very much in support of because it's a significant benefit to the community. We didn't see it as significantly reducing the level of service to the citizens. Once again you retain that power to, if you think that what she is doing is wrong you can cut the budget. I mean that's ultimately your power. Whether that's a good idea or not, that's up to you as policy makers.

Council Member Weaver: But there's also with that the power not to grant it in the first place. I'm not suggesting that we go there, I'm just saying.. I have concerns about the liability, the potential liabilities, of a paid City employee being on private property working on a philanthropic or private project. I have no idea what the implications there are. It would be good to know that. Secondarily, I mean, we have so many things that work in this City by way of...I mean everything that we've seen tonight has demonstrated that what's happening is a group effort. What's happening is a whole team effort. The one thing that could be problematic, and again this is not based on individuals, I'm just looking down the road, there is the potential to open the door to abuses if you have a single person identifying approved projects or not approved projects. If that's handled in a committee forum or if there is additional input or some kind of oversight then that negates even opening that door up, even potentially. It just...it's kind of like saying you know there is a pot hole down the road and rather than go through it we're going to go around it. And so instead of waiting to see if there is a pot hole this is just preventative medicine. So those are the two issues.

Council Member Marshall: But John we already do that, you've got Lisa here, you've got Glenn here. You've got all these other groups that put together what's done first. The Mayor just gives the final say. We do have a motion on the floor to put this on the next meeting.

Council Member Weaver: And I seconded it.

Council Member Jones: Okay so a motion by Boyd, a second by John, all in favor?

MOTION: Boyd Marshall
SECOND: John Weaver

Voice Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Aye
Rutter	Aye
Turner	Aye
Weaver	Aye

Council Member Marshall moved to adjourn.

MOTION: Boyd Marshall

SECOND: John Weaver

Voice Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Aye
Rutter	Aye
Turner	Aye
Weaver	Aye

The meeting adjourned at 9:05 p.m.

Casey Fitts, Council Chair

Craig D. Burton, City Recorder