

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, February 11, 2015
7:00 p.m.

CITY OFFICES 220 East Morris Avenue – Suite 200
South Salt Lake, Utah 84115

PRESIDING Council Chair Irvin H. Jones, Jr.

CONDUCTING Council Member Ryan Gold

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Council Member LeRoy Turner

SERGEANT AT ARMS Ryan Cram

COUNCIL MEMBERS PRESENT:
Ryan Gold, Irvin H. Jones, Jr., Kevin Rapp
Michael Rutter, Debbie Snow and LeRoy Turner

COUNCIL MEMBERS EXCUSED:
Sharla Beverly

STAFF PRESENT:
Mayor Cherie Wood
Charee Peck, Chief of Staff
Lyn Creswell, City Attorney
Paul Roberts, Deputy City Attorney
Randy Sant, Economic Development Consultant
Jack Carruth, Police Chief
Ron Morris, Fire Chief
Mike Florence, Community Development Director
Frank Lilly, Deputy Community Development Director
Glenn Smith, Urban Livability Director
Mont Roosendaal, Public Assets Director
Craig Burton, City Recorder
Paula Melgar, Deputy City Recorder

OTHERS PRESENT:
See attached list

APPROVAL OF MINUTES

January 28, 2015 Work Meeting. Council Member Gold moved to approve these minutes.

MOTION: Ryan Gold
 SECOND: LeRoy Turner
Voice Vote:
 Beverly Absent
 Gold Aye
 Jones Aye
 Rapp Aye
 Rutter Abstain
 Snow Abstain
 Turner Aye

Council Members Rutter and Snow abstained because they weren't in attendance at the meeting.

January 28, 2015 Regular Meeting. Council Member Turner moved to approve these minutes.

MOTION: LeRoy Turner
 SECOND: Ryan Gold
Voice Vote:
 Beverly Absent
 Gold Aye
 Jones Aye
 Rapp Aye
 Rutter Abstain
 Snow Abstain
 Turner Aye

Council Members Rutter and Snow abstained because they weren't in attendance at the meeting.

February 4, 2015 Work Meeting. Council Member Turner moved to approve these minutes.

MOTION: LeRoy Turner
 SECOND: Ryan Gold
Voice Vote:
 Beverly Absent
 Gold Aye
 Jones Aye
 Rapp Aye
 Rutter Abstain
 Snow Abstain
 Turner Aye

Council Members Rutter and Snow abstained because they weren't in attendance at the meeting.

NO ACTION COMMENTS

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **CITIZEN COMMENTS/QUESTIONS.** None.
3. **MAYOR COMMENTS.** UDOT would like a Council member to sit on a committee as a stake holder

Council Member Gold volunteered to participate.

4. **CITY ATTORNEY COMMENTS.** City Attorney, Lyn Creswell, reminded the Council that staff is reviewing the Council Rules. He invited Council Members to submit questions and suggestions to the City Recorder so they can be included in the discussion.
5. **CITY COUNCIL COMMENTS.** Council Chair Jones reminded everyone of the stake holders meeting the second Wednesday of every month at 8:30 a.m. at Pat's Barbeque for business owners, property owners and residents to keep them abreast of what is happening in the Central Pointe RDA area.

Mayor Wood explained that it is for the Downtown Master Plan to gather information from existing property owners and to inform them of the steps the City is taking and where they are at in the process. It is new and will be advertised in the City Newsletter.

Council Member Jones also reminded everyone of the Great Shake Out event that is happening in April. In May there will be C.E.R.T. training. He encouraged everyone to spread the word.

He also attended the daddy/daughter dance. It was very well attended and he thanked the Recreation Department for their efforts.

Council Member Rutter congratulated the Police Department on finding the little girl that was abducted. She was found within an hour and forty minutes from the time the Amber Alert went out.

CONSENT AGENDA

1. **A resolution granting permission for the Police Department to appropriate certain property in its possession to public interest use.**

Council Member Rutter moved to approve the resolution.

MOTION: Michael Rutter

SECOND: Ryan Gold

Roll Call Vote:

Beverly	Absent
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

The Council next moved to Unfinished Business on the Agenda

UNFINISHED COUNCIL BUSINESS

- 1. A resolution approving the interlocal cooperation agreement between South Salt Lake City and Salt Lake County for the County to conduct Primary and General Municipal Elections for 2015.** City Recorder, Craig Burton, explained that this is the agreement to have the Salt Lake County Elections Department conduct a vote by mail election for the City this year.

Council Member Gold moved to approve this resolution.

MOTION: Ryan Gold
 SECOND: LeRoy Turner

Roll Call Vote:

Beverly	Absent
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

NEW COUNCIL BUSINESS

- 1. A resolution amending and updating the South Salt Lake Municipal Code Title 2 regarding appointed positions and recognizing the Mayor’s ability to appoint a Community and Economic Development Director and Deputy Community and Economic Development Director/Housing Administrator.** City Attorney, Lyn Creswell, reminded the Council that the City Code designates the individuals who the Mayor can appoint with the advice and consent of the Council and also identifies them as exempt from the Fair Labor Standards Act. The proposal is that Economic Development be added back to the Community Development Department as well as adding a Housing Administrator.

In regards to the Deputy Director, Council Member Snow asked how many people they want to be appointed by the Mayor rather than go through the typical hiring process.

Mayor Wood explained that the two deputies that the Council hears from regularly are the Deputy Attorney and the Deputy Community and Economic Development Director. Because of that they feel the Council should have input by giving their advice and consent.

Mr. Creswell added that State law allows up to ten percent of the city employees to be at will and appointed.

Council Member Snow asked if this is the same as a merit hiring.

Mr. Creswell said it is not. It provides some benefit to the City. If their performance isn't satisfactory the individual can be released from employment without dealing with the merit release requirements. But, these positions are being designated as part of the executive team and so, professionally and career wise, they are attractive and bring talent into the City and retain the talent in these positions.

Council Member Turner moved to suspend the rules.

MOTION: LeRoy Turner

SECOND: Michael Rutter

Voice Vote:

Beverly	Absent
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

Council Member Rutter moved to approve this resolution.

MOTION: Michael Rutter

SECOND: LeRoy Turner

Roll Call Vote:

Beverly	Absent
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

Council then returned to Appointments by the Mayor on the agenda.

APPOINTMENTS BY THE MAYOR. Mayor Wood presented Mike Florence to serve as the Community and Economic Development Director.

Council Member Turner moved that the Council give its advice and consent to the appointment of Mike Florence as the Community and Economic Development Director.

MOTION: LeRoy Turner

SECOND: Michael Rutter

Voice Vote:

Beverly	Absent
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

Mayor Wood presented Francis Xavier Lilly to serve as the Deputy Community and Economic Development/Housing Administrator.

Council Member Turner moved that the Council give its advice and consent to the appointment of Francis Xavier Lilly as the Deputy Community and Economic Development Director/Housing Administrator.

MOTION: LeRoy Turner

SECOND: Ryan Gold

Voice Vote:

Beverly	Absent
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

The Council then went back to New Council Business on the agenda.

NEW COUNCIL BUSINESS

2. **An ordinance amending Chapter 3.16 – Disposal of Surplus Property, providing opportunity to donate surplus property to non-profit organizations pursuant to Section 10-8-2 of the Utah Code.** Deputy City Attorney, Paul Roberts, reviewed the requirements necessary for the City to donate property to a charity. It would need to be done on an item by item basis, or as a list of items, for the particular charity it would be given to. It would have to go through a 10-8-2 Study process, brought to the Council through a resolution and then the Council could decide whether to approve it.

Council Member Snow expressed concerns that there could be some arbitrariness in who they pick. There's no real bidding process. Does it look like government is favoring one group over another?

Council Member Rutter explained that his proposal is to give the used, obsolete laptop computers that have been in the police cars to the refugees. He believes that staff would let all 501(3)(c)'s be aware that these computers might become available, make it equal and share so that there isn't a favorite.

Mayor Wood felt that the process should be open and the Council should be the ones to decide who gets the property.

Council Chair Jones said he would like to keep as much of the funds in the City as possible and utilize the used equipment rather than trying to get a couple of pennies from the auction for the General Fund.

Council Member Snow feels they would have to have some kind of process like they have for the CDBG funds where there's an open bidding process where entities are aware of it and submit applications and then the Council picks and chooses.

Council Member Rapp agreed.

Council Member Gold didn't want to go back to the old CDBG days and have people lined up explaining their need for the laptop. He would rather have them go to the auction and bid for them there.

Council Chair Jones asked if they could have people submit written applications and if they could limit it to non-profits within the City.

Mr. Roberts answered that they could do it by written requests. In the draft ordinance it requires that the non-profits have to show that it will directly benefit the residents and citizens of the City.

Council Member Rapp feels it could be open to entities that serve the City, rather than having to be in the City.

Mr. Roberts said he would make the changes suggested by the Council and bring it back.

Council Member Rutter moved to place this item on Unfinished Business on the next Council meeting.

MOTION: Michael Rutter
SECOND: LeRoy Turner

Voice Vote:

Beverly	Absent
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

- 3. An ordinance amending and updating the South Salt Lake Municipal Code Title 2 regarding Sick Leave and establishing a Personal Leave benefit.** Mr. Creswell explained that as part of the budget process for this fiscal year, the Mayor recommended, and the Council approved, eliminating the sick leave cash out program. It encouraged employees to save their sick leave and receive a buyout at fifty percent each year. In order to support the employee pay increase this program was eliminated. That triggered the question as what to do now. The Mayor referred this to the Benefits Committee and between her, the Committee, and Mr. Creswell they have looked at several options of liberalizing, changing or affecting the Sick Leave Benefit.

Chairman of the Benefits Committee, Shane Conrad, advised that they have looked at several options that would be of the least impact to the budget. The one chosen does have a small impact with possible overtime in the public safety arena.

The current policy has a very narrow definition of what sick leave is. It basically limits you to emergency sick leave. You can't use your sick leave to take a sick child to a doctor's appointment. If they convert over to Personal Leave Time it will give employees a more liberal use the time for these types of uses and they can schedule time for them. The policy states that the employees must keep a buffer of forty-eight hours for emergency type situations. With the change, the employees will also have the ability to donate any excess personal leave time above ninety-six hours to the sick leave bank to benefits other employees who may need it.

Mr. Creswell explained that the concept of sick leave will still reside in the ordinance in the fact that they have an employee's committee that is able to receive requests for additional leave from the sick leave bank. On a case by case basis, and under strict guidelines, an employee who has a need, usually medically related, can request additional sick leave from the bank. It will usually be a one-time occurrence and not an ongoing situation.

If they liberalize the leave too much people will drop down to zero and when they really do have an emergency then they have a problem so they are creating a category within the personal leave that the first forty-eight hours can only be used for an unforeseen circumstance or situation, not necessarily medical. It could be something else unforeseen and has to be documented. That will preserve and conserve a block of leave that is still available for an emergency situation. Everything above that has to be scheduled with the supervisor. Both vacation and

personal leave have to be scheduled. If a person is sick, or has an unforeseen emergency, the personal leave can be used for that without being scheduled.

The ordinance that is in place requires a cash out of sick leave in March so they need to get this in place in February.

Council Member Rutter moved to place this item on Unfinished Business on the next Council meeting.

MOTION: Michael Rutter

SECOND: LeRoy Turner

Voice Vote:

- Beverly Absent
- Gold Aye
- Jones Aye
- Rapp Aye
- Rutter Aye
- Snow Aye
- Turner Aye

Council Member Snow moved to adjourn to Closed Meeting to discuss pending or reasonable imminent litigation pursuant to Utah Code Annotated, 1953 as amended, Sec. 52-4-204 and Sec. 52-4-205(1)(c) and attorney/client communication.

MOTION: Debbie Snow

SECOND: Ryan Gold

Roll Call Vote:

- Beverly Absent
- Gold Aye
- Jones Aye
- Rapp Aye
- Rutter Aye
- Snow Aye
- Turner Aye

The Council adjourned to Closed Meeting at 8:01 p.m.

In accordance with U.C.A. Section 52-4-206, 1953, as amended by Chapter 180, Laws of Utah, 1987, as amended, a recording was made of the Closed Meeting held to discuss pending or reasonable imminent litigation. Such recordings are protected records under Title 63, Chapter 2, Government Records Access and Management Act.

Closed Meeting ended at 8:23p.m. Council Members returned to Council Chambers.

Council Member Rutter moved to adjourn.

MOTION: Michael Rutter

SECOND: Ryan Gold

Voice Vote:

Beverly Absent

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Aye

Turner Aye

The meeting adjourned at 8:24 p.m.



Irvin H. Jones, Jr., Council Chair



Craig D. Burton, City Recorder