

CITY OF SOUTH SALT LAKE  
CITY COUNCIL WORK MEETING

COUNCIL MEETING Wednesday, February 24, 2016  
6:00 p.m.

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

PRESIDING Council Chair Deborah A. Snow  
CONDUCTING Council Member Shane Siwik

COUNCIL MEMBERS PRESENT:  
Sharla Beverly, Mark Kindred, Portia Mila, Ben Pender,  
Kevin Rapp, Shane Siwik, and Debbie Snow

STAFF PRESENT:  
Mayor Cherie Wood  
Charee Peck, Chief of Staff  
Lyn Creswell, City Attorney  
Hannah Vickery, Deputy City Attorney  
Mont Roosendaal, Public Assets Director  
Dennis Pay, Engineering Director  
Sharen Hauri, Urban Development Director  
Craig Burton, City Recorder  
Paula Melgar, Deputy City Recorder

OTHERS PRESENT:  
See attached list.

**Matters for Discussion**

- 1. State Auditor Compliance Letter.** Mr. Kyle Kershaw, Finance Director, spoke of the 60 Day Warning Letter from the State of Utah on the ongoing Ambulance Service Fund negative balance, which is not in compliance with State rules and regulations. Mr. Kershaw explained that six or seven years ago, the Capital Improvements Fund extended a loan to the Ambulance Fund for about 1.5 million dollars for startup costs. The intent was that after two or three years the ambulance service would begin bringing in revenue that would exceed operating expenditures and re-payment on the inter-fund loan could start taking place. For a variety of reasons the Ambulance Fund has lost money every year on the operating side, and every year the Council has appropriated a transfer from the Capital Improvements Fund to the Ambulance Fund just for operating reasons. As a result of the extension of the loan, and after five or six years of depreciation on the assets for which the initial loan was given, the Ambulance Fund has been in a negative balance ever since and the State Auditor's Office doesn't like that condition, therefore the issuance of the 60 day warning letter. A copy is attached to these minutes and incorporated by this reference.

Council Member Siwik arrived at 6:17 p.m.

Mr. Kershaw proposed that, to fix this condition and notify the State Auditor that City has no longer a negative fund balance, the City Council forgive the loan between the Ambulance Fund and the Capital Improvements Fund. If, in the future, there is any revenue in excess of operating expenses, staff recommends that instead of paying any of the loan back, the Council should start accumulating the funds to replace equipment that nears full depreciation in the Ambulance Fund. By forgiving the loan the City Council automatically takes the liability off the balance sheet of the Ambulance Fund, eliminates the negative fund balance and the City would become compliant with State Law.

Council Chair, Debbie Snow reminded the Council that although something needs to be done to fix the loan situation internally the Council needs to continue to have the discussion on ambulance service and how they feel about it.

All council members were in agreement that loan forgiveness should occur internally to fix the issues brought up by State Auditor. Council Chair Snow moved the topic to the March 9, 2016 Regular Council Meeting.

- 2. Parks Impact Fee.** Urban Design Director, Sharen Hauri, reported to the Council on the meeting between City and the consultants at Lewis Young Robertson & Burningham, Inc., who are doing the study. They presented the information they gave to the City today in a meeting. There was concern last week about being ready for this meeting and staff talked about not having the discussion today but the agenda was already posted. Ms. Hauri advised the Council that the City does not have a formal presentation ready due to the extensive information needed to comprehend the topic. Ms. Hauri requested 45 minutes in a work meeting to present all the information to the Council.

Dennis Pay, City Engineer, clarified that staff is concerned about City's due diligence in discussing all the information needed to make a solid impact fee proposal to Council.

Ms. Hauri gave the City Council a preview of some of the topics currently being discussed concerning the impact fee that will be presented with detail at a future work meeting.

Council Member Snow agreed to continue topic to a future Work Meeting.

- 3. Open Meetings Law Training.** City Attorney, Lyn Creswell, presented training on the Open and Public Meetings Act. It does not guarantee transparency but it sets the stage for transparency. It says the public is going to be told when the Council is going to have a meetings, it will have an agenda and minutes will be kept. Mr. Creswell also addressed the communication between members of the council outside council meeting and how to discuss issues without violating open meetings rules. He also discussed the agenda purpose and how important it is to stick to the topics on the

agenda so not to misinform the public on what the Council is discussing at any given meeting. Mr. Creswell also advised Council members to pay close attention to minutes and make sure material and significant matters are reflected in those. The more formal a Council makes their rules, the more respect and dialogue occurs between the council and the public.

Mr. Creswell explained that rules for closed meetings are much more narrow in Utah than some of other states. For pending or imminent litigation the city attorney will discuss legal liability and litigation. For sale and purchase of property there are only two things allowed in closed meetings: the purchase price and terms and conditions. The Council should feel free to restrict topics from ballooning beyond sales and purchase conditions.

Mr. Creswell also discussed the Council's responsibilities regarding the confidentiality of the information received. Under common law there is the responsibility of a fiduciary duty which means not cause harm to city with common law remedies under State law; under the Open and Public Meetings Act (52.4.206) "both a recording and written minutes of closed meetings are protected records under GRAMA and are classified and the information associated with them." Under GRAMA if one improperly discloses protected information intentionally he is guilty of a class B misdemeanor. The Municipal Officers and Employees Ethics Act has a specific prohibition with a felony penalty associated for walking out of a closed meeting with protected information and making gain from it; it also talks about dismissal and removal from office.

Council Member Rapp asked what could be revealed outside confidential meetings and at what point in time can any of that information be revealed.

Mr. Creswell explained that after the process, if the Council feels, for transparency or other reasons, that information needs to be provided to the public, they can vote to release any or all information of a close meeting and make it a public record. Until the body makes a decision, no individual has the right to disclose that information. If a council member has a concern about something they want to discuss, come talk with your city attorney to get clarification on it, but do not talk about anything discussed during a closed meeting without your counsel's consent.

Council Member Rapp expressed concerned about some information released from a closed meeting that involved him. Mr. Creswell advised Council Member Rapp to see him on this topic.

Council Chair Snow asked about the fiduciary duty to voters versus the fiduciary duty to voters, who have elected them. Mr. Creswell explained that the fiduciary definition under State and Common Law, has to do with the business interest of the entity in which you are serving. The City Council's business interest is to safeguard tax payer's assets.

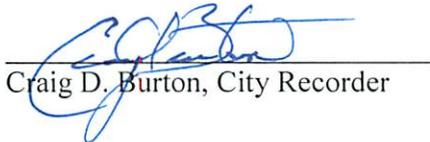
Council Member Rapp asked if Council would need a closed meeting in order to

decide if a previous closed meeting should be made public. Mr. Creswell explained that embedded in the municipal officers' ethics is the opportunity for each council member to come individually to the city attorney and have these kinds of discussions. Mr. Creswell advised that he will follow-up this training with an ethics training at the next available meeting to bring to full-circle these discussions.

Council Chair Snow, seeing no other comments or questions, closed the work meeting.

Meeting adjourned at 6:56 p.m.

  
Deborah A. Snow, Council Chair

  
Craig D. Burton, City Recorder

