

MINUTES OF THE SALT LAKE CITY COUNCIL
Tuesday, February 9, 2021

The City Council of Salt Lake City, Utah, met in Work Session on Tuesday, February 9, 2021 in an Electronic Meeting, pursuant to the Chair's determination and Salt Lake City Emergency Proclamation No. 2 of 2020(2)(b).

The following Council Members were present:

Amy Fowler, Ana Valdemoros, Andrew Johnston, Chris Wharton, Daniel Dugan, Darin Mano, James Rogers

The following Council Members were absent:

Present Legislative leadership:

Cindy Gust-Jenson, Executive Director; Jennifer Bruno, Deputy Director; Lehua Weaver, Associate Deputy Director

Present Administrative leadership:

Mayor Erin Mendenhall; Rachel Otto, Chief of Staff; Lisa Shaffer, Chief Administrative Officer

Present City Staff:

Katherine Lewis – City Attorney, Amanda Lau – Public Engagement & Communication Specialist, Ben Luedtke – Senior Public Policy Analyst, Nick Tarbet – Senior Public Policy Analyst, Robert Nutzman – Administrative Assistant, Russell Weeks – Senior Advisor, DeeDee Robinson – Deputy City Recorder, Blake Thomas – Community & Neighborhoods Director, Chief Mike Brown – Police Chief, Debra Alexander – Human Resources Director, Lorna Vogt – Public Services Director, Mary Beth Thompson – Chief Financial Officer, Peter Bromberg – SLC Library Director, Tony Milner – Housing & Neighborhood Development Policy & Program Manager, Allison Rowland – Public Policy Analyst, Kimberly Chytraus – Senior City Attorney, Lani Eggertson-Goff – Housing and Neighborhood Division Director, David Salazar – Human Resources Program Manager, Matt Cassel – City Engineer, John Vuyk – City Budget Director, Jaysen Oldroyd – Senior City Attorney

[Full Meeting Audio](#)

[Meeting Packet Material](#)

Councilmember Fowler presided at and conducted the meeting.

The meeting was called to order at 3:51 pm

Work Session items

1. Informational: Updates from the Administration ~ 4:00 p.m.
30 min.

The Council will receive an update from the Administration on major items or projects, including but not limited to:

- COVID-19, the March 2020 Earthquake, and the September 2020 Windstorm;
- Updates on relieving the condition of people experiencing homelessness;
- Police Department work, projects, and staffing, etc.; and
- Other projects or updates.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Recurring Briefing

Set Public Hearing Date - n/a

Hold hearing to accept public comment - n/a

TENTATIVE Council Action - n/a

Minutes:

Lisa Shaffer provided updates/information regarding Cemetery windstorm damage: 265 trees were lost on the grounds, 225 stumps remaining with large holes being dangerous/impeding public traffic in the area, an archeologist had been on-site since December 2020 evaluating damage to headstones/monuments, 10 headstones were heavily damaged/needing replacement, 109 tree stumps scheduled to be removed beginning today, hiring of a monument contractor to extract headstones displaced by/entangled in fallen trees, damaged tree removal and headstone replacement work anticipated to be completed by Memorial Day 2021, along with information regarding apprenticeship program, including: hiring of three apprentices, one offer being extended, 10 scheduled interviews, multiple apprentice positions offered within Public Utilities, as well as many new job opportunities within the City.

Councilmember Fowler requested apprenticeship information to include in an email blast to her constituents.

Mayor Mendenhall provided updates/information regarding: Camp Last Hope organizers working with City partners (camp closure on February 4, 2021) including a resource fair provided two days before camp closure providing campers with access to resources/services and time to remove their belongings, outcomes of the resource fair included: 40 individuals engaged by Volunteers of America (VOA) Youth Outreach (with eight qualifying for youth services), VOA City Outreach engaged 63 adult individuals, Road Home engaged 16 individuals for housing conversations (with one person admitted into the program), Valley Behavioral Health engaged 15 individuals (with six persons expressing interest in treatment programs), 4th Street Clinic provided COVID-19 testing (20 individuals tested/one positive test), VOA City Outreach team placed seven individuals into shelter programs, Drivers License Division assisted with 29 appointments for identification cards, the City's Justice Court was on-site for mobile court hearings (46 cases heard) and 3rd District Court hearing 11 total cases, updates regarding the City's tiny home initiative, including: three working groups being formed (finance, land use, service providers) with plans to form a pilot program by winter 2021. (Council Members will be invited to participate in the working groups). Mayor Mendenhall also spoke regarding a recent tragic death of a woman camping in a City resident's yard and provided facts/timeline of the situation leading up to the death.

2. **Informational: Updates on Racial Equity and Policing**

~ 4:30 p.m.
20 min.

The Council will hold a discussion about recent efforts on various projects City staff are working on related to racial equity and policing in the City. The conversation may include issues of community concern about race, equity, and justice in relation to law enforcement policies, procedures, budget, and ordinances. Discussion may include:

- An update or report on the Commission on Racial Equity in Policing; and
- Other project updates or discussion.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Recurring Briefing

Set Public Hearing Date - n/a

Hold hearing to accept public comment - n/a

TENTATIVE Council Action - n/a

Minutes:

Allison Rowland provided information regarding upcoming Racial Equity in Policing (REP) Commission meeting date/time with two items of special interest on the agenda: Police Department budget audit introduction and questions/responses from listening session/discussion.

Mike Brown provided information/updates regarding Violent Crime Task Force, including: team partners included US Attorneys, US Marshall, Department of Public Safety, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Homeland Security, Adult Parole and Probation (APP), Sheriff Rivera, and jail personnel, task force accomplishments included multiple defendants being charged federally for illegal fire arms, drug trafficking, gang-affiliation, parole/probation violations, and current/prior domestic violations, and presentation of a sample dashboard to view department accomplishments/results (Crime Control Plan Public Dashboard – planned to go live next week) that included cases by week/year, cases with drugs/drug types/doses, cases with guns/total guns seized, etc.

3. Informational: State Legislative Briefing ~ 4:50 p.m.
20 min.

The Council will be briefed by the Administration about issues affecting the City that may arise during the 2021 Utah State Legislative Session.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Tuesday, January 12, 2021; Tuesday, February 2, 2021; and Tuesday, February 9, 2021

Set Public Hearing Date - n/a

Hold hearing to accept public comment - n/a

TENTATIVE Council Action - n/a

Minutes:

Kate Bradshaw (Holland & Hart Law Firm, contract lobbyist) provided updates regarding: billboard legislation (Senate Bill (SB) 61 – on-going negotiations), law enforcement legislation (lobbying efforts aligning with City values/directives), regulatory sandboxes (allowing new industries to test operations free of some regulations – with City suggested amendments for transparency), and Airport lobbying efforts that were outside of the legislative process (issues regarding flight paths, runway noise, land for potential development being impacted due to runway expansion, etc.).

Councilmember Rogers requested more information regarding the Airport issues/what was agreed upon. Ms. Bradshaw said there were aviation easements agreed to, providing proper notice to those who might reside in newly developed areas surrounding the Airport, with the understanding (at the time of purchase) of such agreement and to be recorded in perpetuity with the property.

Councilmember Fowler thanked Ms. Bradshaw and the legislative team for their efforts during this years session.

4. **Ordinance: Amendment to Require Notice for Permits to Work in the Public Way Follow-up** ~ 5:10 p.m.
20 min.

The Council will receive a follow-up briefing on proposed amendments to City code that would require permit holders to provide notice to property owners whose properties are adjacent to above-ground work that will be performed in the public way. The key changes would require:

- Evidence that notice was provided to all property owners whose properties are adjacent to the portion of the public way where the work is being performed.
- Notice that includes the name of the permit holder performing the construction, the purpose of the construction, and a contact phone number and email for the permit holder.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Tuesday, January 12, 2021 and Tuesday, February 9, 2021

Set Public Hearing Date - Tuesday, December 8, 2020

Hold hearing to accept public comment - Tuesday, January 19, 2021 at 7 p.m.

TENTATIVE Council Action - TBD

Minutes:

Nick Tarbet provided an introduction and follow-up information for the Council to consider, including: review of public comments expressing concern the public notice only pertained to above ground work and not below ground work, and specific requests/issues raised from Verizon Wireless.

Straw Poll: Support for placing the ordinance “as is” on a future agenda item for Council action. All Council Members were in favor.

Matt Cassel spoke on providing notice for above vs. below ground work, including: verified outreach broadened for below ground work would utilize more employees (resource issue), a database would be needed for recording/verifying notification to residences affected, the need for defining boundaries of who should receive notifications, current City notification policy (no City monitoring – not well defined, no specificity) vs. a new ordinance (holding companies accountable), City’s capability to enforce fines (unable to without a permit issued for work in the public right-of-way), possibility to deny permits if noticing was not provided (if stated in an ordinance), current noticing process for City work in the public right-of-way (email list, website posting, flyers left at residences – a year in advance for many projects), fines/fining being heavily restricted by State Code and not seen as a strong tool (notice was required and \$25/day was barely impactful) but important to have in place, and the best leverage for the City being the issuance of a permit (allowing more control of the outcomes with contractors).

Kimberly Chytrus provided information regarding: existing City policy for notifying residents (not codified), service providers currently providing noticing on barriers/traffic cones on intersections to notify the neighborhood and not on individual homes (needing to be addressed within the proposed ordinance), issue raised by Verizon Wireless that it was not appropriate for them to notify adjacent property owners for potential construction when permits were not yet secured (having to provide notice before permits were approved) but willing to provide noticing after permitting/before construction (verification requiring additional City resources), and the need to codify the Council’s preferred parameters for above and below ground noticing

requirements.

Councilmember Mano expressed concerns that current noticing was vague, there were various stages of construction work done at different times, and landscaping was not always repaired promptly after work was completed and/or correctly. He suggested the requiring of noticing be the burden of the provider to track noticing/provide proof of noticing, and that noticing require specific details of the work to be done.

Councilmember Johnston said he was sensitive to the volume of work it would entail for the providers regarding notification/verification of pending construction work, and would be interested in requiring (within an ordinance) an online posting of information regarding the work to be done (name of company doing work, where, when, and contact information) be made available to the public.

Councilmember Wharton said he envisioned the required noticing to go as far as a flyer/postcard on the resident's door, a mailer (and receipt of mass mailing and who they were sent to), or an affidavit (stating specifics of verified noticing), and if complaints arose for no notice provided – only then City resources/staff would be needed to look into it and suggested an online form for providers to confirm they completed the required noticing. He added that relying on good-faith for providers to provide noticing to residents was no longer working.

Blake Thomas acknowledged there was a desire for an ordinance that spelled out best practices and it was Engineering/Community & Neighborhood's role to work with Ms. Chytraus, et al to deliver that product with the providers maintaining those records, and hoped to come back to the Council with that in mind.

Councilmember Folwer inquired what a reasonable time frame would be to revisit the underground noticing requirements portion, looking at policies in place, and perhaps add what was discussed today (noticing timeline/specifications). Ms. Chytraus said she recognized the importance of the issue and said she would prioritize it, inquired what the Council would want to see for underground work that was different from what was proposed for above ground work, and advised that the ordinance (as written) was for pre-permit notification to adjacent property owners (working with the provider on what evidence would be accepted). Councilmember Fowler offered that perhaps adding the term underground to the proposed ordinance would allow for revisiting the issue sooner than later. Ms Chytraus verified that adding the preferred requirements for underground work and elements of what was discussed today into the proposed ordinance would not take a lot of additional time.

5. **Ordinance: Library Budget Amendment No. 1 for Fiscal Year 2020-21** ~ 5:30 p.m.
30 min.

The Council will be briefed about a proposal to amend the budget for the Library Fund for Fiscal Year 2020-21. Budget amendments happen several times each year to reflect adjustments to the City's budgets, including proposed project additions and modifications. The proposed amendment includes funding to complete the Library's Master Facilities Plan, a grant to increase digital access to underserved populations in the City, for earthquake repairs to the Main Library Branch, and Sprague Branch renovations, among other changes.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Tuesday, February 9, 2021

Set Public Hearing Date - Tuesday, February 16, 2021

Hold hearing to accept public comment - TBD

TENTATIVE Council Action - TBD

Minutes:

Russell Weeks provided a brief introduction to the proposal and noted the Council would set the public hearing date on February 16, 2021 for March 2, 2021.

Peter Bromberg provided information regarding requests within the General Fund and Capital Fund, including: \$170,895 for continuation of Master Facilities Planning process (out of Fund Balance – carried forward to Fiscal Year (FY) 2021 budget), \$30,000 for earthquake repairs (out of Fund Balance), \$420,000 for Institute, Museum, and Library Services Grant from the federal government (added to the budget – no reduction of Fund Balance) for developing a model for increasing digital access to underserved populations in the City (Digital Navigators Program – providing one on one outreach/assistance – focused on the City's west side neighborhoods), \$105,000 for Sprague Branch renovations (addressing unforeseen additional construction work), and \$30,000 to fully furnish the renovated portion (out of Fund Balance), and \$125,000 for HVAC filtration for the safety of staff/patrons (installation of ionization filtration systems for all eight library locations).

Councilmember Mano inquired how the Council and constituents could be more involved with the Master Facilities planning process. Mr. Bromberg said he could provide a presentation to the Council at a future work session, and/or set up individual/small group meetings with the Council to discuss further details. He added that public engagement sessions were conducted last year but was worth revisiting through updated virtual meetings via social media.

6. Resolution: Awarding U.S. Department of Housing and Urban Development (HUD) Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant Funds Follow-up ~ 6:00 p.m.
20 min.

The Council will receive a follow-up briefing about funding recommendations from resident advisory boards and the Mayor and approving an interlocal agreement between the City and the U.S. Department of Housing and Urban Development (HUD). This agreement allocates and awards funding to those applicants. Community partners submitted applications for one-time pandemic response funding from Community Development Block Grant (CDBG-CV), Emergency Solutions Grant (ESG-CV) and Housing Opportunities for Persons with AIDS (HOPWA) grants.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Tuesday, January 19, 2021; Tuesday, February 2, 2021; and Tuesday, February 9, 2021

Set Public Hearing Date - n/a

Hold hearing to accept public comment - n/a

TENTATIVE Council Action - Tuesday, February 16, 2021

Minutes:

Benjamin Luedtke provided the following information: this was the third briefing regarding funding recommendations with a potential vote scheduled for February 16, 2021, the Council having previously determined food insecurity and equitable vaccination distribution as policy priorities for unallocated funds, remaining funds included: \$468,900 Community Development Block Grant (CDBG-CV), and \$460,828 Emergency Solutions Grants (ESG-CV), and details of the following: \$40,000 difference in CDBG-CV between available funds and what would be requested (Council to decide on giving all funds to Nourish To Flourish, or make available for equitable distribution of vaccines), and \$5,000 remaining in ESG-CV with no recommended use (Council to consider how to distribute).

Lani Eggertsen-Goff and **Tony Milner** provided information regarding number of individuals served/clients who were served (Nourish To Flourish – 62,000 meals – working with partners for clients to receive needed meals, etc.), Soap to Hope outreach (5,200 served – specializing with victims of human trafficking, others with substance abuse issues), Sustainability Department providing food boxes through various community partners (targeting hardest hit communities), and working closely with those receiving funding to record measurable output/outcomes.

Mayor Mendenhall noted there was a lot of need with the community organizations that had been spoken about, but money did not seem to be the driving/motivating force.

Councilmember Johnston requested the Sustainability Department provide information regarding their process in using community partners for the food boxes, making it clear the community was being served.

7. **Informational: Update on Windstorm Budget** ~ 6:20 p.m.
5 min.

The Council will be briefed about proposed funding for repairs throughout the City from the September 8, 2020 Windstorm and changes from what was previously estimated for the Council. The Administration is not requesting additional funding. Previously appropriated funding would be adjusted and reassigned due to new estimates of various project needs. Changes of use for the funding include additional sprinkler repairs at an estimated 150 locations, and multiple repair and restoration projects to the City Cemetery.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Tuesday, February 9, 2021

Set Public Hearing Date - n/a

Hold hearing to accept public comment - n/a

TENTATIVE Council Action - n/a

Minutes:

Jennifer Bruno and **Mary Beth Thompson** briefed the Council regarding: new/updated details regarding final funding estimates (with no action needed within a budget amendment), \$5,925,000 was requested in Budget Amendment No.3 with several different areas of funding, now with two additional needs (sprinkler repairs from downed City trees in public right-of-way, and removal/reinstallation of monuments, sod replacement, headstone repair, etc. at the cemetery).

Straw Poll: Support for approval of the Administration's adjusted/reassigned funding for various project needs. All Council Members were in favor.

Standing Items

8. Report of the Chair and Vice Chair

Report of Chair and Vice Chair.

Minutes:

Council Chair Fowler made a statement regarding the recent death of a City employee, Greg Mikolash, and offered condolences on behalf of the Council to the Building Department and all of those who worked with him, as well as his family.

9. Report and Announcements from the Executive Director

Report of the Executive Director, including a review of Council information items and announcements. The Council may give feedback or staff direction on any item related to City Council business, including but not limited to scheduling items.

Minutes:

A. COVID Memorial Day – Local Proclamation and Support

A few Council Members received an email from Smart City Policy Group asking if the Salt Lake City Council would like to adopt a COVID-19 Victims and Survivors Memorial Day Resolution and recognize March 1st as COVID Memorial Day in Salt Lake City. Staff will work with the requestor to see if it's possible to get a resolution prepared for next Tuesday's meeting.

- Are Council Members supportive of considering a resolution?

Councilmember Fowler suggested the Council review the email from Smart City Policy Group, coordinate with Staff if there are any questions, and let Staff know if they were interested/not interested.

Cindy Gust-Jenson said the email would be redistributed for immediate attention, a draft of the resolution would be requested from the organization, and Staff will let them know that the Council's decision is pending. She said a draft resolution will be made available to the Council as soon as possible (before a commitment is implied).

10. Closed Session

The Council will consider a motion to enter into Closed Session. A closed meeting described under Section 52-4-205 may be held for specific purposes including, but not limited to:

- 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, including any form of a water right or water shares, 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, including any form of a water right or water shares, 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; and
- g. investigative proceedings regarding allegations of criminal misconduct.

A closed meeting may also be held for attorney-client matters that are privileged pursuant to Utah Code § 78B-1-137, and for other lawful purposes that satisfy the pertinent requirements of the Utah Open and Public Meetings Act.

Minutes:

Council Members in Attendance: Fowler, Valdemoros, Rogers, Dugan, Johnston, Mano, and Wharton

Other Attendees: Mayor Erin Mendenhall, Cindy Gust-Jenson, Benjamin Luedtke, David Salazar, Allison Rowland, Lehua Weaver, Jason Oldroyd, Jennifer Bruno, John Vuyk, Lisa Shaffer, Lorna Vogt, Mary Beth Thompson, Rachel Otto, Cindy Lou Trishman, Katie Lewis, Robert Nutzman, Debra Alexander

Sworn Statement

Closed Session Adjourned at 6:42 pm

Motion:

Moved by Councilmember Wharton, seconded by Councilmember Dugan to enter into Closed Session to discuss collective bargaining strategies pursuant to Utah Code **§52-4-205(1)(b)**.

AYE: Andrew Johnston, James Rogers, Chris Wharton, Ana Valdemoros, Darin Mano, Daniel Dugan, Amy Fowler

Final Result: 7 – 0 Pass

MINUTES OF THE SALT LAKE CITY COUNCIL
Tuesday, February 9, 2021

Meeting adjourned at 6:08 p.m.

Minutes Approved: May 18, 2021.

City Council Chair

City Recorder

This document is not intended to serve as a full transcript as other items may have been discussed; please refer to the audio or video for entire content pursuant to Utah Code §52-4-203(2)(b).

This document along with the digital recording constitute the official minutes of the City Council Work Session meeting held 09 February 2021.