

CITY OF SOUTH SALT LAKE
CITY COUNCIL WORK MEETING

COUNCIL MEETING	Wednesday April 26, 2017 6:00 p.m.
CITY OFFICES	220 East Morris Avenue #200 South Salt Lake, Utah 84115
PRESIDING CONDUCTING	Council Chair Ben Pender Council Chair Ben Pender

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

STAFF PRESENT:
Lyn Creswell, City Attorney
Hannah Vickery, Assistant City Attorney
Kyle Kershaw, Finance Director
Mont Roosendaal, Public Assets Director
Kari Cutler, Promise South Salt Lake Director
Craig Burton, City Recorder
Ariel Andrus, Deputy City Recorder

Matters for Discussion

- 1. Council Training – Standards of Conduct and Investigations.** City Attorney, Lyn Creswell, reviewed an employee code of conduct document with the Council. A copy of this document is attached to these minutes and incorporated by this reference.

Council Member Rapp asked how council members are supposed to handle being called names in a public meeting by another council member.

Mr. Creswell advised that the council would have to decide among them what action to take. It wouldn't be up to the City.

Council Chair Pender asked if information from a closed door meeting could be called into a criminal case.

Mr. Creswell explained that when an employee violates a policy that may also violate a criminal statute. Usually those investigations and resulting remedies go in parallel but they hardly ever cross. The investigative processes are supposed to be parallel. Sometimes it works both ways and sometimes the two agencies will look at what the other side is doing. If he, on the civil side, becomes aware that an employee is in serious jeopardy on the criminal side, he may wait to see how it plays out before finalizing what

they are going to do.

Council Chair Pender asked when someone makes a complaint on harassment, what is the time frame for the accused to be notified of the complaint.

Mr. Creswell said it depends on the circumstances, but it should happen relatively soon.

- 2. Council Training – Best Practices for South Salt Lake Elected Officials.** Contract Attorney, Jody Burnett, reminded the Council that if a closed meeting is called into question, the recording of the meeting is reviewed by the judge. He reminded them that everyone in that meeting should be discreet.

Mr. Burnett advised the Council that if they are ever making an administrative or quasi-judicial decision, people are entitled to a fair and impartial tribunal. They need to be thinking as they are trying to be appropriately responsive to constituent's concerns. Think about context, what they are doing, and all of that being fully disclosed later. We now live in a world where we routinely get requests for emails, and all kinds of communications, regarding applications. They need to put some thought into what they put in emails.

He advised the Council to be careful on site visits. He advised that all of the Council go together on site visits, and not have just one member go, so they do not get in a situation where one side or the other, on a controversial situation, appears to have an inside track and their own opportunity to communicate with the Council that somebody else wasn't given.

Council Member Siwik said the whole Council has been contacted by a restaurant in town that has very little parking and they have been invited to come over and look at the situation which Mr. Siwik has done. Nothing is being asked for but there is a petition to do something.

Mr. Burnett said there is nothing wrong with that but ideally it would be on the record, anyone could accompany you. If the Council goes together everyone is getting the same information and no one is getting an inside scoop. It would be a problem if they got into a situation where they were being asked to make an important decision and a Council Member articulates that their basis for doing "X" is based on a site visit where only one side of the equation had an opportunity to be heard.

Council Member Kindred asked about the appropriateness of going to have a meal and then talk to the owner.

Mr. Burnett advised that they want to be courteous and responsive but try to strike a balance where they don't get down to a situation. Anything they say, however innocuous they think it sounds, can be misinterpreted later and people get the wrong impression. Obviously they can't escape casual, social encounters, but to the extent that they can, try to think about not saying anything that suggests a direction, much less an outcome, of any potential application or petition that could come before them later.

Council Member Rapp asked if meeting in groups of two would be acceptable.

Mr. Burnett advised that not meeting alone is good regardless of context because you get into “he said, she said” later. He has had situations where people have closed on a piece of property based on individual contacts with council members and later claimed that they relied on that. In an administrative context he would say no because they are still getting information everyone is not privy to. If it is a legislative decision, your being asked for a rezone, a general plan amendment, etc. he can’t tell them no but he would be cautious. It would be better to have two rather than one in that setting. If it is important it is something that everyone should hear and members of the public are aware when information is conveyed.

Council Member Rapp asked hypothetically what he should do if a developer came to him who was interested in developing a piece of property and said he would like to develop the property but the Mayor refuses to meet with them. What should he do in that situation?

Mr. Burnett explained that is where they have a staff process in place. They should be referred to the staff, once they get application it will come to the Council. No one has a protective right to circumvent the normal process. It is a more orderly process. It insulates the council from getting in the middle of that as an elected official and having someone attribute comments that suggest that there is some kind of promise or commitment or anything remotely like that.

Council Member Beverly suggested developers should go through the staff. They should not be trying to contact an elected official. That is a safe guard for the Council.

Mr. Burnett agreed saying they aren’t talking to the Council to understand the application process, they are talking because they want to know how the Council is going to vote. That is why the Council ought to be cautious and avoid that.

Council Member Siwik asked what they should do if developers come to them saying, “How would you feel about rating a strip club in a residential zone?” He is going to say “no.” Why would he let them waste their time going through the channels?

Mr. Burnett said he knows that they should be courteous, friendly and receptive but it is just trying to strike a balance to not put them in a position where they are going to attribute some commitment in favor of the project later. He has had some real problems where a well-intentioned city council member goes to a planning commission meeting, where the planning commission is the land use authority, and speaks to the issue. He knows they have the right of free speech as a private citizen, but the planning commission is not going to hear that. They are going to hear, “that is what the Council wants us to do.” He strongly advised against doing that.

Mr. Burnett went on to say at some level all of the due process considerations are different. If a person says he opposes any conditional use permit for whatever in such and such a zone that is a problem, because that is a predisposition, or bias, on an

administrative decision. If they say they are running for the council because they strongly support amending the general plan for this part of the city to do a certain thing, there aren't the same kind of disposition and open and unbiased forum issues. You can do that. He is more concerned with the situations where they are in active negotiations with somebody, and what the repercussions can be. He is concerned if developers make decisions and rely on whatever they hear. The one on ones are really difficult because they have a commitment type of issue. If they are in a situation where they have a major development coming down the pike and people are making decisions about closing on, or acquiring property, that is when it is really problematic and the Council's antennas ought to be really more heightened so they are not in a position where somebody is going to purport to have made some business decision and committed to major funding based on their perception of whether they have the Council's support, or don't have it.

Mr. Burnett explained that one of the problems with individual meetings is the public perception that when they get to the public hearing process it is a shame and a done deal, already cut behind closed doors and they are just jumping hoops and not really considering the input they are receiving in the public hearing process. That can be big, both politically and legally. In any hypothetical, the Council should think about how that will appear to somebody unfamiliar with the situation and hears what goes on in that setting and then has the perception that their input isn't meaningful and doesn't matter.

Council Chair Pender said it's not possible for the Council to meet with a developer all in one group, they can only have three there at a time so it isn't realistically possible.

Mr. Burnett advised that a site visit is possible. If they had a major project, have a site visit as part of an agenda Council meeting. Then the public can show up and hear what is being said between the owner, or applicant, and the Council. It is all part of the process.

Council Chair Pender said when people have talked to him about any issues or projects he tells them right of the bat he is not promising any votes. He wants to hear everything. They can tell him what they have to say but he still wants to hear from the public and everybody else. It's part of the process. In lieu of ignoring those people that have concerns or questions, he actually welcomes them but tells them upfront, "You can tell me what you want to tell me but my vote will be the night of the vote."

Mr. Burnett added after he has heard all the information.

Council Chair Pender agreed. Until that happens he is not going to make any promises. He will vote when he has all the information and comes up with an informed decision.

Mr. Burnett said he thinks that helps a lot. He added that if the conversation got away from him and went a little further than he intended, like so many things when you talk about conflicts give full disclosure. For example, "I chatted with so and so, had a site visit or whatever, here's what we talked about. Here's what I told them." Something like that helps a lot if they have full disclosure.

Council Chair Pender asked what they should do when they have developers that are

trying to meet with City staff and the City staff is refusing to meet with them. What should the Council do?

Mr. Burnett suggested they have an internal discussion with the staff. There are usually two sides to that kind of a story. He would be cautious about pitting the staff against an applicant, owner or developer, and allowing the owner/developer to get the impression, even if that is not the intentions, that they can circumvent the normal process by approaching the Council directly. That is when they really have problems. So, if they think they are having communication issues, get them on the table and try to resolve them more directly. But he doesn't think the answer to that is to meet independently with an applicant.

Mr. Creswell advised the Council that, as an independent body, they do have the ability to look very closely at what is happening on the administration side. If they, feel as a body, that staff wasn't paying attention and doing its professional due diligence, he thinks they have a right to ask and obtain information about that. Second, Community Development Director, Mike Florence, has an incredibly inviting and open process as it relates to involving all elected officials, including the Mayor, in the appropriate way, early on in the process. If they have a particular concern they should raise it with the Chief of Staff and deal with it.

- 3. Promise South Salt Lake Presentation.** Promise South Salt Lake Director, Kari Cutler, explained to the Council that they turn all of their data over to United Way of Salt Lake as part of their data agreement. United Way has purchase a software program that has the capacity to see what their efforts are looking like in terms of outcomes. The have an agreement with the Granite School District to bridge into School District data so they could look at the young people Promise serves and how they are doing during the school day so that they know how to aim interventions exactly where they are needed.

Council Member Kindred said he has heard about Promise South Salt Lake for four years and he knows it is a great program. If someone asks him details he can't give them. He asked if there is any way to change that going forward.

United Way of Salt Lake President, Bill Crim, explained that South Salt Lake and United Way have joined forces to build trust to allow people to share data in a safe and trusting environment. It allows people to keep their eye on accountability for something that no single organization or sector can do by themselves. When they do it all together, they can do things people thought were impossible. South Salt Lake is famous in the philanthropic world. It is the beacon for communities from Memphis to Fort Collins to Pocatello, Idaho and many places in between. The infrastructure here is as deep, or deeper, than anywhere else in the country and it is producing incredible results. Someone from the school system said it sounds great but don't expect to see changes in academic performance in the schools, the problems are too great. There is too much mobility, too many English language learners, to many refugees who are English language learners. What is true about South Salt Lake right now is you are lucky if you are a child in South Salt Lake. If you're a child in South Salt Lake and are an English language learner, you are more likely to be proficient in language arts on the State SAGE test than anywhere else in the

Granite School District. And in some schools, you are more likely to be proficient in language arts than the State as a whole. The data sharing agreement they have with all the partners and the School District is also a national model. It's not that they can't give the clarity they want, it is that the context and conversation to do that is done by the board members signing a confidentiality document. Every year they read a document that says they will use the data in the partnership. Not to take credit for things that they didn't do alone, or to blame others in the partnership for things we think they did or didn't do. They are all in this together. Once they have signed that data sharing agreement they share lots of data.

The meeting was recessed at 7:02 p.m. and reconvened after the regular City Council meeting at 9:33 p.m.

Mr. Crim reviewed a Power Point presentation with the Council. A copy is attached and incorporated by this reference.

In regards to the presentation, Council Member Kindred asked how the numbers in the presentation compare to the State. Is everything going the same direction?

Mr. Crim said they haven't done a formal comparison on the health data. On the academic data it is a mix. There are schools and communities that are trending in the right direction and there are others that are out pacing the growth in the Promise partnership communities.

Mr. Crim said South Salt Lake was the first place where a really well coordinated pre-school expansion effort occurred. The kids in the Granite School District preschool in South Salt Lake or in the Head Start program are out performing those who are not in high quality pre-school programs. There are so many kids that are not in high quality pre-school early learning and so much mobility with kids coming into South Salt Lake, that the recent data of school readiness took a little dip. The value of this way of working is that people are paying attention to the data in a way that is actionable and on top of it. They are asking questions and are unwilling to rest until every child is doing better.

Council Member Kindred asked how they expanded pre-school and, if it was expanded, why did it dip?

Mr. Crim said Head Start just put more resources into their program. They built a building and offered classes in South Salt Lake. Granite School District expanded their program with private investors. They believe the reason it is dipping is because they are not at economies of scale.

Council Member Kindred asked if there was a line item in the budget for the expansion.

Ms. Cutler explained what the Council sees financing for from grants, contracts and United Way is primarily either after school or ESL and citizenship classes. It is Promise providing a space for their partners to come in and deliver programs. Because Promise is a "backbone" organization they provide what makes sense in the moment for that

program. So, if they need space, volunteers, staff, etc. the Promise team jumps in to do that work.

Council Member Kindred asked where Promise ends and United Way begins.

Mr. Crim said they each have rolls and don't overlap. Every school has deep community partnership where a United Way staff person plays the role of a community school director and they are coordinating a dozen services or more in the school. Every school also has an after school program run by a South Salt Lake employee. It is all part of the same team.

Council Chair Pender asked if this program is geared for just refugees or for everyone. He thinks a lot of people do not send their children to South Salt Lake Schools. He is curious about the numbers. How many are South Salt Lake kids? It may be a South Salt Lake school but are they a South Salt Lake resident.

Ms. Cutler said the elementary schools are all South Salt Lake kids. Roosevelt is ninety percent South Salt Lake kids.

Council Member Beverly said she worked at Roosevelt and with the Promise programs. The people who are not sending their children to these schools are missing out on opportunities for diversity and all of the extra resources that are provided.

Council Chair Pender agreed. He wonders why the residents don't send their children to the South Salt Lake schools. Most of the people in the City don't know about this program.

There was a lengthy discussion about the schools in South Salt Lake. There were suggestions that the junior high needs to have school sports teams like other junior highs. The elementary schools should have band and orchestra for fifth and sixth graders like other elementary schools do. It was reported that Cottonwood High School will only allow kids coming from Granite Park Junior High to take one AP class in tenth grade while kids coming from other schools can take more.

Council Chair Pender committed to do anything he can to help promote Promise within the community and challenged the rest of the Council to do the same. He thinks it is a great program and the more he learns about it the happier he is with it. He thinks they need to get the word out better.

It was discussed that most of the people in South Salt Lake don't know about the Promise program. There needs to be better outreach and advertising.

Council Member Kindred asked why there is a Promise program at Cottonwood High School.

Council Member Beverly said it is the City's feeder high school.

Council Member Siwik said when he toured the Promise facilities he didn't think half of the City knew about Promise which is ironic because eighty percent of our five to eighteen year olds are enrolled in the Promise program.

Ms. Cutler said that eighty percent of zero to eighteen year olds are touched somehow by the Promise programs.

Council Member Siwik said he thinks the problem is that Kari Cutler can envision the entire program in her head and others can't. They've got to get where they understand it better. The goal of Promise was to see that everybody that graduated high school had the opportunity to have an associate's degree paid for.

Ms. Cutler said it was to get children in South Salt Lake to college, to create a college going culture. As they moved forward with the partnership with United Way and Salt Lake Community College, that became available to us through South Salt Lake Promise.

Council Member Siwik pointed out that there is money available to all the students who live in South Salt Lake who graduated this year, and are income qualified for any federal aid, to have two years of college paid for. None of the Council knows it well enough to sell it to the community. He asked for some information from Promise so they could talk to people about the programs that are offered. He requested that Ms. Cutler create an organizational chart, the programs and what they do, and the target groups on a paper for the Council so as they talk to residents they can tell them the things going on at all the different places.

Council Member Pender said if Ms. Cutler makes that chart for the Council they need to go out and sell it to the community.

Council Member Kindred agreed.

Council Member McConnell suggested the schools need to go out and sell themselves also.

Council Member Beverly suggested that Promise is advertising their services through the school and if you don't have a child there right now you might not see it.

Council Member Kindred asked Ms. Cutler if she ever departs what will happen.

Ms. Cutler said that there are two deputy directors that run the day to day operations. She is training them to do the work. She also said she has eight people working for her through Social Marketing Consultants. She has people who help her grant write, do day to day work, graphic arts, etc.

Council Member Siwik clarified that Ms. Cutler is a contractor with the City. She owns her own company, Social Marketing Consultants, which has eight people who work with her in the company.

Ms. Cutler agreed. She said there are now 130 partnerships. They are represented as team members, residents, stakeholders, partners, champions, and organizations who participate in each part of the results they are working for.

Council Member Kindred asked how they get the Council educated and participating more so that they can communicate to the residents how the program is such a great thing. He would like them to think about how to increase the partnership between the Council and Promise.

Council Member Beverly suggested that Promise come to City Council meeting quarterly to give them a short report and update them on things.

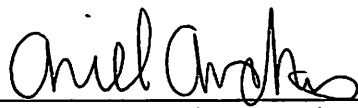
Council Member Siwik asked if all 14 neighborhood programs are focused on youth.

Ms. Cutler said they have youth components but all the neighborhood centers have adult programming as well such as ESL, citizenship, mom groups, hiking clubs, etc.

The meeting adjourned at 10:33 p.m.



Ben Pender, Council Chair



~~Craig D. Burton, City Recorder~~
Ariel Andrus