

CITY OF SOUTH SALT LAKE  
CITY COUNCIL WORK MEETING

COUNCIL MEETING

Wednesday September 20, 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,  
Ben Pender, Kevin Rapp and Shane Siwik

COUNCIL MEMBERS EXCUSED:

Portia Mila

STAFF PRESENT:

Mayor Cherie Wood  
Hannah Vickery, Assistant City Attorney  
Jack Carruth, Police Chief  
Ron Morris, Fire Chief  
Terry Addison, Deputy Fire Chief  
Mike Florence, Community and Economic Development Director  
Alexandra White, City Planner  
Mont Roosendaal, Public Assets Director  
Jason Nicholl, Battalion Chief  
Anna Anderson, South Salt Lake Justice Court Judge  
Kristin Reardon, Court Administrator  
Craig Burton, City Recorder  
Ariel Andrus, Deputy City Recorder

**Matters for Discussion**

- 1. Justice Court Annual Report.** South Salt Lake Justice Court Judge, Anna Anderson, gave the annual report for the Justice Court. She said that Court Administrator, Kristin Reardon, was able to secure a grant that covered \$20,000 of the \$26,000 cost for a fingerprint machine and printer. They have streamlined using interpreters down to two days a month. They set all of the interpreter matters on those two days and have all of their interpreters come. They have started using the Office of State Debt Collection aggressively in the collection of outstanding debts and delinquent fines. So far this year they have collected over \$61,000 in delinquent fines.

The requirements and operational standards of the court are in full compliance and have everything they are required to have.

Judge Anderson said one of the main concerns she had was the efficiency of how the court is running. They have standards they are supposed to adhere to as far as how long their cases are pending before they are disposed of etc., and they were way outside of where they were supposed to be. When she started their numbers were around sixty percent efficiency rate rather than ninety-five. They have been clearing old cases out and have been trying to get their cases taken care of within the timelines. As of the last efficiency report, they were at ninety-four and ninety-five percent. The number of cases they have pending has been cut in half. She feels they are really doing well in that regard.

They have also been doing some community outreach. Ms. Reardon has been placed on the State Clerk's Education Committee. They are in charge of all the education for the clerk's state wide. She will be involved in their annual conference, in committee meetings to keep her finger on the pulse of what is happening with the clerks and what changes and best practices can be followed to make sure that they are doing that here in South Salt Lake.

Judge Anderson is now in charge of all the Third District Justice Court Judges education. She is also on the Trust and Competence Committee for justice court judges, which involves justice court judges, community outreach and involvement in the community. She is also on the State Judicial Outreach Committee. The focus for all of those is to get the justice court more involved in the community and having more communication with the people that they serve. They have started a mock trial program with the eighth grade students at Granite Park Junior High. They are also going over to the school once a month and doing presentations on different aspects of the government. The kids are really excited about it.

2. **South Salt Lake Crime Statistics.** Council Member Kindred said he received word from Chief Carruth that this wouldn't be able to be done until the end of October so he reached out to BCI and they will have someone come and present the stats over the last ten years at the next work meeting.
3. **Severance Package Discussion.** Council Member Siwik reviewed the handout of other city's severance packages. A copy is attached and incorporated by this reference. He reminded the Council of their discussion at the previous meeting regarding severance packages and if they should be in ordinance form. He still feels that they should be. He likes Murray's severance package.

There was discussion among the Council regarding the amount of severance that should be paid in relation to tenure on the job. It was agreed that for one year's work a person would get two months' severance pay and for two years of work they would receive four months' of severance pay and the cap would be four months' severance pay. City Council Attorney, Doug Ahlstrom, will draft an ordinance and bring it back to the Council.

4. **Bidding Professional Services Contracts Discussion.** Council Member Siwik said he would like to see some policies changed but he is good to forgo the conversation at this time.

- 5. South Salt Lake Alcohol Ordinance Discussion.** Council Member McConnell would like to make South Salt Lake a place where adults gather and he feels some of the city ordinances make it so those that have a business don't want to be a part of it. The purpose statement at the beginning of the city's alcohol code is one of the things he would like to see re-written. It basically says if you drink alcohol go away. In his opinion they need to make it so they welcome the good and get rid of the bad. That is what he is trying to do with the alcohol ordinance. One of the things he would like to see changed is the worker card.

Council Chair Pender reported that he spoke with someone in his office who deals with that and, according to her it is actually something from Salt Lake County. Everybody in Salt Lake County is required to have work card, even if they are not dancing and just serving. It is really more for the employer. Part of the idea behind the worker card is in order to obtain a card the person has to bring in their criminal history from BCI. There are some things that may disqualify a person from working at those establishments. That is how those employers are keeping track is with the employer cards. The person he talked to indicated that she believed the cities could override this requirement.

Council Member McConnell suggested it be something they look into because he knows that most of the people he has talked to in the industry despise that card, even the owners.

Council Member McConnell also said there is a stigma attached to South Salt Lake. That stigma is the bars. All around South Salt Lake people are investing in bars. One of the problems the city has is if a person is going to invest in a bar they will not be able to sell that investment if the next owner doesn't improve the outside of it. The outside is not the important part, the inside is. Apparently there is quite a stigma that people don't want to invest in a bar in South Salt Lake. As one who drinks, he would love to be able to walk to a neighborhood bar and not have to get in the car. He would like to come up with a way to help people understand that this is a great place to invest your money if they are interested in that kind of a business. He would like to look at that.

Council Member Rapp advised that he was on the Council when these changes were made. He explained that part of the problem was South Salt Lake had twenty-three bars and they have tried to cut that number down per capita and it has been cut down. A lot of the bars were very rundown looking places and they wanted to make them more attractive. If they want a liquor license they had to fix it up and make it look nice and then they will give them a liquor license. They aren't going to let the same old rundown bar just pass to a new owner.

Council Member McConnell said it has worked. They are down to about seven or eight bars in the city. Hopefully now they can start doing something with the inside and make them attractive places that people want to go to so they aren't having people in South Salt Lake go outside of the city to enjoy a beverage.

Council Member McConnell also suggested that the five barrel brewhouse is a weird number and he thinks they need to do away with it. The ordinance says if you are a brewery you have to be a five barrel brew house or larger.

Council Member Rapp said that was another issue the Council discussed. This was the first time any brewery was coming into the city so there were things that got thrown into the ordinance that they weren't sure what they wanted to do with. They weren't sure how it was going to work.

Council Member McConnell advised that a five barrel system is pretty expensive to create. Some of the funnest places he has been to have been half barrel or barrel systems. What happens is the people grow their business and as people come they grow and get bigger. Shades of Pale are moving up to a thirty barrel system. They are not only investing in their company but they are investing in the city. It brings more breweries and more places for people to be a part of the community and then they get distillers. Not only has the city said they will only have two breweries but they haven't said anything about how many distillers or vintners, and those are other great craft products. When you have someone doing a craft product like this you are not dealing with drunks or people that are going to drink and drive; you're dealing with people that enjoy that atmosphere. It would be nice to get more wineries and more distillers here. The city needs a craft packet. A craft packet tells the steps a person has to complete to get a liquor license in South Salt Lake. So, instead of sitting back and waiting for breweries to come to us, we can actively go out and say, "Come to South Salt Lake." We can encourage people to bring responsible alcohol. That's what he is trying to do.

Council Member McConnell will make a list of changes to the alcohol ordinance he feels will be good and bring them to the next work meeting on October 11, 2017 and the Council will discuss them.

Council Member Kindred thanked Council Member McConnell for spearheading this. It's a great thing. The craft packet idea is exactly right. If they could do that, and increase it, he feels it would be a good thing.

Council Member Rapp advised that there are a lot of State and County rules that will need to be looked at.

Council Member McConnell asked if there were any changes to the State law.

Community Development Directory, Mike Florence, advised the Council that last year the city made a change regarding the variance process. State law did away with that this past year and reduced the proximity requirements. There are a number of state law changes that he has looked at.

Assistant City Attorney, Hannah Vickery, advised that it is a heavy legal research project. It is really hard to decipher the State's alcohol code. Most of the time city attorneys consult with the known experts because it is difficult and challenging.

Council Member Beverly asked who enforces the County work card. She asked if the city needs it in their code.

Ms. Vickery said she understood that the city code has restrictions on who can serve

alcohol in the city. They exclude people with certain criminal convictions and the work cards are the way to regulate that. She doesn't know about the county and state laws. They may have laws that say the same thing. If the Council made the decision that anyone with any criminal history could come and serve alcohol in the community then perhaps there is not a need for a work card. The work card is to track and regulate the regulations that are in the city code. She always felt it was a local thing but she hasn't check into whether the county or state has those restrictions.

Council Member McConnell said if it is his business he doesn't want that person anyway. If they don't have those types of businesses that track themselves then he doesn't want that business in his city either.

Council Member Siwik asked how they would know what type of businesses they have. Council Member McConnell may have that attitude as a business owner, but what about the next person?

Council Member McConnell said if a business sells to minors not only is the person fined but so is the business and the business is shut down. He is trying to raise the level. They don't want this kind of business in their city. They want it a little bit higher so that people are coming to South Salt Lake to have a beverage and not coming to get drunk. They don't want DUI's in the city, they want responsible adults. He would like to find out more about the work card and what other cities do.

6. **Council/Mayor Interactions.** Council Member Kindred said he asked City Council attorney, Doug Ahlstrom, to field any comments that the Council has on this topic. The reason he is bringing this up is because he has had a couple of requests recently. The crime statistics were requested almost two months ago. He realizes when he first requested them that it was decided they had to get the majority of the Council to agree because they were sort of putting staff to work, and he is fine with that. But it has been two months and Police Chief Carruth told him it would be the end of October so he reached out to BCI to come to the next meeting. He also asked for ten years of previous budgets. Apparently he got pushback from the administration saying it has to be a request from the majority of the Council. To him it is a basic information request so he filled out a GRAMA request as a city councilman to get information that they probably should have gotten when they first came on the council. He asked Mr. Ahlstrom where the line falls between asking for information and requesting staff to do things.

Mr. Ahlstrom advised that they can always ask but whether they will get anything in return is the big question.

Mr. Ahlstrom explained that in a strong mayor form of government, which the city is, it makes things difficult.

He quoted a document from the Texas League of Cities and Towns saying, "Placing the lead responsibility for administration in the hands of the mayor enables citizens and the city council to go to one central point for solutions to particular problems. Also, this arrangement can help focus accountability and keep the city's business moving ahead

smoothly and efficiently. At the same time this system can easily go awry if the mayor does not get along with the council or when council meetings deteriorate into haggling sessions over whether the mayor has legal authority to do something.”

Mr. Ahlstrom referenced some comments from an article written by David Church, General Counsel for the Utah League of Cities and Town, titled “Why Can’t We All Just Get Along?”

“Mayors elected in a city operating under the council-mayor forms of government are the heads of an executive branch of government. The executive branch is separate, independent, and equal to the legislative branch. These mayors are powerful people.” Mr. Ahlstrom suggested the council needs to remember that the Mayor is the powerful person.

He went on quoting Mr. Church saying, “Disputes are created when elected officials begin to assume authority that they do not have. There are many examples of this including mayors who refuse to carry out policies with which they disagree; council members who try to direct employees in their day to day duties; mayors trying to be the city managers; and council members who try to act like they are mayors.

“The following are some general aphorisms that may help avoid and solve these conflicts that I have discussed... All elected officials are worthy of respect, even the ones dumb enough to disagree with you... Praise in public and reprimand in private...Do your own job first. Always assume others are acting in good faith.”

Mr. Ahlstrom advised that in the strong mayor/council form of government the mayor officially represents the city on the state, national and international levels. If the president was to come to the city, he would meet with the mayor, not with the city council most generally. The mayor exercises oversight of the city’s day to day operations, enforces city laws and ordinances, and is not a member of the council.

In checking the state law, Mr. Ahlstrom said a couple of things stood out to him. The law says the mayor can, “...attend each council meeting, take part in council meeting discussions, and freely give advice to the council;” There is nothing in the state law that goes the other direction. The law says the council may not, “direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office; interfere in any way with an executive officer's performance of the officer's duties; or publicly or privately give orders to a subordinate of the mayor.” Mr. Ahlstrom advised that is why in this setting he has asked the council to direct their comments to the mayor, not to city staff. State law does say that the council may “make suggestions or recommendations to a subordinate of the mayor.” The council may “make and enforce any additional rule or regulation for the government of the council, the preservation of order, and the transaction of the council's business...”

Mr. Ahlstrom quoted the council rules that say, “The Mayor will have the opportunity to address the meeting and inform the Council and the audience of any matters the Mayor desires to present which do not require action of the Council, such as community events,

letters from citizens, happenings within the city, etc. Each Council Member likewise will have the opportunity to address the other members of the Council, the Mayor and the audience.” Mr. Ahlstrom said what he reads from that is the council really should not be addressing the mayor’s staff. The Mayor’s staff is the administrative arm of this government and the council’s dealings should be with the Mayor.

Mr. Ahlstrom advised the Council to remember that they are separate and apart from the Mayor, treat the Mayor with respect and he would ask that that respect be returned to each member of the Council.

Mr. Ahlstrom said the ordinance in the city code was adopted in 1996 and since then there have been several changes to the state law. There is one provision in the city code that hasn’t kept up with the state law. It says “no member of the council shall direct or request, except in writing, or shall interfere in any way with the performance of officers in their duties.” State law says the council shall not. The city ordinance, probably out of date, talks about individual members of the council; what they can’t do. Nevertheless he recommends that the Council address their comments to the mayor and ask for the mayor’s staff to respond. When the Mayor doesn’t respond timely, in their opinion, they can file a GRAMA request as any other citizen would have to do. Hopefully, to keep a good dialogue going and to keep the business of the city moving forward, the Mayor could respond to Council requests quicker than the ten day maximum GRAMA allows. As he said at the beginning of his remarks, they can ask but it may not be provided. If it is provided it means they have good open communication. If it is not provided and they are feeling like they are being stonewalled, they may be, but it is the cost of this form of government so they just have to recognize the place between the council and mayor.

Council Member Beverly said things seemed to work better when the council had to address all of their requests through Chief of Staff, Charee Peck. She felt it went smoother. She asked if that is a better approach than what they have been doing, going to each department head.

Mr. Ahlstrom referred to the state law saying they need to address it with the Mayor and if the Mayor says Charee Peck can field that for her then that’s fine and it’s a good way of doing it. When they need something out of a department head, or they figure it’s something they ought to be able to provide easily, work through the Mayor to make that request. That is what the state law demands.

Council Member Siwik, speaking to Council Member Kindred’s argument, said a sitting member of the city council requesting budget items, and this is the budgetary body of the city...

Mr. Ahlstrom advised that the mayor is the budget officer. The mayor prepares the budget.

Council Member Siwik stated that the council passes the budget.

Mr. Ahlstrom agreed.

Council Member Siwik said they are in charge of passing the budget and you would assume that having prior budgets provided is part of their duty and obligation for their fiduciary responsibility to the citizens is to oversee that budget.

Mr. Ahlstrom said there is no harm in asking for it. In fact any member of the public can get the same information.

Council Member Siwik said that is his point. Any member of the public can get it but a sitting member of the council as to file a GRAMA request for it.

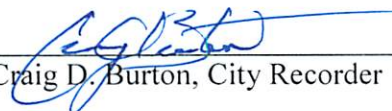
Mr. Ahlstrom said he hasn't found a rule that says a sitting member of the council in this form of government is entitled to anything more than a regular member of the public except that just the general obligation to keep government moving along you want to keep the dialogue open between the council and the mayor. If that goes up in flames then the city doesn't progress and they don't want that to happen so it needs to work both ways.

Council Member Kindred said he thinks the answer is everything through the mayor. He proposed they put every budget for the last ten years rolling on the city website.

Mr. Ahlstrom reminded that the council has the opportunity to establish rules and regulations for the effective form of government, for moving the government along. If that's a rule, or an ordinance, or a policy they wish to establish they can do so by a majority vote of the council.

The meeting adjourned at 7:04 p.m.

  
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Ben Pender, Council Chair

  
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Craig D. Burton, City Recorder



