

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

May 18, 2021

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, ACM Dustin Lewis, City Attorney Ryan Loose, Director of Government Affairs Melinda Seager, Engineering Director Brad Klavano, Police Chief Jeff Carr, Planning Director Steven Schaefermeyer, CFO Sunil Naidu, Deputy City Recorder Cindy Valdez, Communications Manager Rachael VanCleave, Administrative Services Director Spencer Kyle, Strategic Services Director Don Tingey, City Commerce Director Brian Preece, Fire Chief Chris Dawson, Assistant Director of Public Works Jerimie Thorne, IT Director Jon Day, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Absent: Council Member Jason McGuire

4:30 PM
STUDY MEETING

A. Welcome, Roll Call and Introduction: *By Mayor Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present and noted that Council Member Jason McGuire was absent. She introduced the meeting.

B. Invocation: *By Council Member, Brad Marlor*

Council Member Brad Marlor offered the invocation.

C. Mayor and Council Coordination

Mayor Ramsey gave an update on working with the state to get support for our water reuse pilot project. She believes we are in a good place and will be able to do some good things. This last week the governor appointed her to the State Drinking Water Quality Board, and she said yes. Today she attended a ground breaking in St. George with their city officials and Jennie Taylor, widow of Major Mayor Brent Taylor of North Ogden. After Mayor Taylor was killed in the line of duty his wife worked to get a Gold Star Families monument in North Ogden and St. George broke ground for the second Gold Star Families Monument in the state. Mayor Ramsey would like to see one in our city cemetery. The monument is black granite and the high ballpark estimate is \$60,000 to have installed; you work through the Gold Star Families Foundation to make it happen. We have CARES money, money that can be earmarked to certain projects that we didn't anticipate having and it's something she'd like to get the council's opinion on.

Council Member Zander said she liked the idea of a fundraiser. If the city just pays for it, it doesn't mean as much. If we had kids donating pennies, or a 5K for this, this could be a unifying experience for the whole city. Even if the city pays half, she'd love to see the community vested in this.

Mayor Ramsey said it was suggested to her that they ask everyone to donate \$5.00, one dollar for every branch of the military. Part of the requirement to do this is to put together a committee and you must have at least one Gold Star family member on the committee. They will continue to talk as she would love to be able to mention it when she speaks on Memorial Day with a plan to have it in place by next Memorial Day or sooner.

All council members in attendance voiced their support of this idea and getting the community involved.

Council Member Zander said she will be leaving at 7:30pm tonight.

D. Discussion/Review of Regular Council Meeting

City Manager Gary Whatcott quickly reviewed the items on the agenda for the council; one being the dentist's office and residence off 11400 South, the other rezoning the city park area to parks and open space.

E. Presentation Item: Ethics & Open Meeting Training. (By City Attorney, Ryan Loose)

City Attorney Ryan Loose reviewed prepared presentation (Attachment A).

City Manager Gary Whatcott said we have some of the most detailed minutes compared to other cities and it has been that way for a while.

Attorney Loose said the decision on minutes is up to the council, they just need to let the City Recorder and Transcriptionist know what they'd like, more summarized versus more detailed. In a court of law the approved minutes are what matter. The audio recordings are archived and saved also.

Attorney Loose continued presenting prepared presentation (Attachment A).

Council Member Zander asked for clarification on the gifts and favors section.

Attorney Loose said one state law states you cannot accept anything over \$50.00.

Attorney Loose finished presenting the prepared presentation and asked if anyone had any questions.

Council Member Shelton asked if they could have the Recorder's office prepare a few examples of how the minutes could look, summary versus more detailed.

Mayor Ramsey said yes, that is a good idea. She asked if there was anything else that needed to be discussed.

Council Member Zander asked if there were any updates on the pool situation with the county.

Mayor Ramsey said no, she hasn't gotten anything yet. She anticipates getting more emails, as that was the request.

Council Member Zander said it's fantastic they are getting the emails and she has responded to a few indicating she hoped they were being sent to the county as well. She asked if there was anyone in our city that was responding to all the emails, even just saying thank you.

Mayor Ramsey said she has not responded to any yet.

Council Member Zander asked if we can have Executive Assistant, Melanie Edwards jump in and send a "thanks for responding" general statement from the council.

CM Whatcott said yes, if that's all they want they can do that.

Mayor Ramsey said it doesn't have to be too technical, just something that says this is something we are working on and we appreciate your concern.

Council Member Zander said she would love that, if Ms. Edwards could do a blanket statement that says we've seen your email, we appreciate your engagement and thanks for caring about our community; we are working on it.

Mayor Ramsey said Ms. Edwards has access to her email and can send that out from her on behalf of the whole council. She asked if the concerns and people reaching out with their frustrations over traffic have calmed down.

Council Member Zander had an experience with a resident complaint that was taken care of, she planned on sharing it during City Council.

CM Whatcott said they had a meeting with the UDOT and Bangerter people on 9800 South, they are starting the environmental impact documents (EIS) and statements, that will take about a year and will begin in June. They are going to be here on June 15 to talk about the process, they will work through all the scenarios, usually two or three versions of what it could look like.

Council Member Zander said a resident told her they heard 9800 South was going to go straight through with no off ramps, she didn't think we had decided that yet.

CM Whatcott said everything we have done has indicated we want a full interchange and that's how this is designed. During the EIS they do multiple alternatives and look at them all, one alternative will be just an overpass. They will look at the costs with all those options. The way this was designed and budgeted with UDOT is for a full interchange. He added Senator Harper reached out to UDOT and said this was an intersection that could be done as just an overpass, but no one is sure why he is speaking for the city as the city made it clear why it is important to have a connection to Bangerter Highway on that street. One study showed the impacts on alternative roads like 4000 West when 9800 South doesn't have a connection to Bangerter.

Attorney Loose said during the session senators brought this up, that they felt it would be better to just go over and he kept asking them what studies show that? Just assuming that they know best doesn't answer the traffic issues and the one study we have indicates major backups on 10600 South and 9000 South if you cut that off.

CM Whatcott said this is expected to begin in 2023, which is good since once it's done we are out of the Bangerter issues.

Council Member Zander said with the same residents she was speaking to, there was some confusion as to what our contribution was to get 11400 South and 10600 South under.

CM Whatcott said 11400 South was right of way, which we had already received for free through a process of getting it from the developer when we planned it. For 10600 South the contribution was \$5 million dollars.

Attorney Loose said that the deal at 11400 South was done with the developer that did the Sprouts at Oquirrh Mountain Marketplace.

CM Whatcott said we just traded UDOT for the right of way at no charge, even though it was dedicated in our name. He also believes that their experience in constructing 11400 South saw significant cost increases that they didn't think would be there and that's why they're passing it on to us now with 10600 South because it's more than an overpass.

Attorney Loose said a major portion of our costs were relocating our own utilities at 10600 South.

Mayor Ramsey said these were funded by grants, this money wasn't taken from the general budgets.

Council Member Zander also asked to clarify that the reason UDOT did 10600 South, 6200 South and 12600 South at the same time was to save taxpayer dollars?

CM Whatcott said it is saving millions of dollars. The dirt from 12600 South which is only a half overpass, and the dirt from ours is cut out and moved to 6200 South where it is going over. They saved money by having a shorter distance to haul materials, and the materials that they didn't have to pay for.

Attorney Loose said the public also needs to know that we had planned 10600 South going under a long time ago, at the same time we had planned 11400 South as going under. We went through the process of getting grants and all that back then. Riverton saw what we did and their plan changed far after our plan was in place. Why UDOT chose to sequence it the way they did, and the contractor chose to do what they're doing, comes down to their construction methods which we have no control over. As far as the decisions to do this, we were years ahead of it and only heard 12600 South was going under a year before they started the project.

Mayor Ramsey said she wished they had closed 10600 South first because the Riverton residents haven't been worked up about it, they just had the one intersection closed. We are the ones dealing with the brunt of the frustration because we were closed second, and ours was in place long before theirs. She is supportive of what UDOT is doing and saving millions of dollars, that it's safer and that it cuts down on the construction time by months; however, when this council and our staff agreed to the closure of 10600 South and Bangerter Highway they did not know that 12600 South was going to be closed at the same time.

CM Whatcott said we knew it was going to be done in conjunction with Riverton since UDOT gave the contractor latitude to take these three intersections and combine them into one project, and then

by doing that the contractor had latitude to work things out so they could find the most efficient way to build all three. That's what gave them the savings. If you recall the fiasco we had trying to build a half bridge at a time with keeping left hand turn movements at 11400 South, people were outraged over that. There was constant complaining of people driving through there and they had multiple crashes in that area with the left hand turns. This way we are saving almost a year of time with the closure, as well as saving lives. We had one fatality at 11400 South and that's one life too many to lose. For the inconvenience of a short six month window to close that east/west traffic, even if it saves one life, it is worth it. It's just too difficult with the different elevations of the road to do it half way and keep left hand turn movements.

Council Member Marlor said he would like to know what the impact is going to be on the 9800 South EIS as a result of traffic being diverted from 10400 South. He can see it is picking up as he uses 9800 South quite a bit.

ADJOURNMENT

Council Member Marlor made a motion to adjourn. Council Member Shelton seconded the motion. The vote was unanimous in favor.

The May 18, 2021 City Council electronic study meeting adjourned at 5:44 p.m.

This is a true and correct copy of the May 18, 2021 City Council Study Meeting Minutes, which were approved on June 1, 2021.

Anna Crookston

South Jordan City Recorder



CITY COUNCIL TRAINING

Open Meetings

Ethics

OPEN AND PUBLIC MEETINGS ACT

- **Public Policy:** It is the intent of the Legislature that the state, its agencies and political subdivisions take their actions and conduct their deliberations openly. (See Utah Code 52-4-102).
- **All meetings are open to the public unless an exception applies.** (See Utah Code 52-4-201).
 - “Meeting” is the convening of a public body when a quorum is present. (See Utah Code 52-4-103(6)(a)).
 - A meeting is not “a chance gathering or social gathering.” (See Utah Code 52-4-103(6)(b)).
 - “Quorum” is a simple majority of the membership of a public body. (See Utah Code 52-4-103(11)).
 - Purpose of a meeting is to make decisions and give direction.



DUTIES — CHAIR AND VICE CHAIR

- The Chair (Mayor) has the following obligations under City Code (SJMC 2.04.020 J) and Policy:
 - Supervisory and directional powers.
 - Presides over the meetings and set the agendas.
 - Members may request agenda items be added (majority vote).
 - Be the spokesperson.
 - Assure members receive annual training
 - Make recommendations and presentations.
- The Vice Chair (Mayor Pro Tempore) “shall execute all powers of the Chair in the absence of the Chair.” (See City Policy).



WHAT DO YOU NEED FOR A MEETING (SJC MC §2.04. 010 *ET. SEQ*)

- Agenda – SJC MC §2.04. 030
 - City Manager prepares –
 - Mayor, Manager, or two members of the Council may add an item to the agenda
 - Sticking to the agenda
 - Time of the meeting (end by 11:00)
 - Quorum
 - Minimum 3 votes
- Avoid the meeting after meeting



SPEAKING DURING MEETINGS

- **Members of the Council / Board** When you have something to say, you have to be recognized by the Chair.
 - As a common courtesy, you should never seek recognition while someone else is talking. Be polite and wait until a speaker is finished before seeking recognition.
 - Members who have not yet spoken about the topic at hand have priority over those who have. When speaking, speak only on the merits of the topic immediately at hand. Keep your comments concise.
- **Members of the Public**
 - **Public Comment** – Held at the discretion of the Mayor and City Council.
 - **Public Hearing** – Required by State Statute or City Code
 - Land Use issues
 - General Plan
 - Zoning
 - Land use Amendments
 - Finance – Budget
 - Ordinances



MOTIONS AND VOTING

- In most board meetings, there are usually three motions used:
 - To introduce;
 - To amend a motion; and
 - To adjourn a meeting.
- To introduce a new piece of business or propose a decision or action, a motion must be made by a board member (“I move that...”) and a second must also be made. After limited discussion, the board members then vote on the motion made.
- Perhaps you like the proposed motion but it is not exactly what you would like, you may make an amended motion (“I move to amend the motion...”), which requires a second.
- Before a vote is taken, the Chair puts the question by saying, “those in favor of the motion (repeat the motion) say ‘Yes,’ (wait) any opposed say ‘No.’” Then say, “the motion carries” or “the motion is lost.”
- A role call vote is required for “any action which would create liability against the municipality” and if a member requests it. (See Utah Code 10-3-506). If in doubt, do a role call vote.



TYPES OF MEETINGS

- Regular Meetings
- Special Meetings
- Emergency Meetings
- Electronic Meetings
- Closed (Executive) Sessions / Meetings



MEETING MINUTES

- Required by Utah Code 52-4-203
- Requires certain elements
 - Date time place.
 - Names of members present and absent.
 - “The substance of all matters proposed, discussed or decided by the public body which may include a summary of comments made by, Memembers of the public body.”
 - A record of the vote.
 - The name of members of the public allowed to give testimony or comments.
 - “The substance, in brief, of the testimony of comments provided by the public.”
 - Any other information that is a record of the proceedings of the meeting that a member of the Council want’s included.
- What do you want in your minutes



ETHICS

- Municipal Officer's and Employees' Ethics Act Utah Code 10-3-13.
- Code of Ethics for Members of the South Jordan City Council, Boards, Committees and Commissions
- Fraud Risk Assessment and Hotline



MUNICIPAL OFFICER'S AND EMPLOYEES' ETHICS ACT UTAH CODE 10-3-13.

- Purposes: “to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interests between their public duties and their personal interests.”
- Prohibited:
 - Using public office for personal benefit.
 - Inducing officer or employee to violate Ethics Act
- Disclosure required:
 - Compensation for assistance in transaction involving municipality
 - Interest in business entity regulated by municipality
 - Interest in business entity doing business with Municipality
 - Investment creating conflict of interest with duties
- Penalties for Violation
 - Dismissal from employment or removal from office
 - Criminal charges
 - Rescission of prohibited transaction (violation for disclosure)
- Municipal Ethics Commission



CODE OF ETHICS FOR MEMBERS OF THE SOUTH JORDAN CITY COUNCIL, BOARDS, COMMITTEES AND COMMISSIONS

- Purpose: “The citizens and businesses of South Jordan City are entitled to have fair, ethical and accountable local government, which has earned the public’s full confidence and trust.”
- Sections:
 - Act in the public interest
 - Comply with the law
 - Conduct of members
 - Respect the process
 - Conduct of public meetings



CODE OF ETHICS FOR MEMBERS OF THE SOUTH JORDAN CITY COUNCIL, BOARDS, COMMITTEES AND COMMISSIONS

- **Sections Continued:**
 - **Decisions based on merit**
 - **Communication**
 - **Conflicts of interest**
 - **Gifts and favors**
 - **Confidential information**
 - **Use of public resources**
 - **Representation of private interests**
 - **Advocacy**
 - **Policy role of memembers**



CODE OF ETHICS FOR MEMBERS OF THE SOUTH JORDAN CITY COUNCIL, BOARDS, COMMITTEES AND COMMISSIONS

- Sections Continued:
 - Independence of boards, committees and commissions
 - Positive work place environment



FRAUD RISK ASSESSMENT AND HOTLINE

- State Auditor's Fraud Risk Assessment
- Reporting
 - <https://www.sjc.utah.gov/fraud/>
 - 801-235-5202
- Allegations of fraud:
 - City Manager receives complaints against City Attorney staff
 - City Attorney receives complaints against City Manager staff
 - Mayor and Council receive complaints against elected officials

