

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, March 16, 2016
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84129

BRIEFING SESSION

Attendance:

Mayor Lawrence Johnson

Council Members:

Council Chairman Ernest Burgess
Vice-Chairman Brad Christopherson
Council Member Daniel Armstrong
Council Member Dama Barbour
Council Member Kristie Overson

City Staff:

John Taylor, City Administrator
Tracy Cowdell, City Attorney
Cheryl Peacock Cottle, City Recorder
Scott Harrington, Chief Financial Officer
Mark McGrath, Community Development Director
Jay Ziolkowski, UFA Battalion Chief

Excused: Kristy Heineman, Council Coordinator; Tiffany Janzen, Public Information Officer

5:30 – 6:00 P.M. – LIVE SOCIAL MEDIA QUESTION AND ANSWER WITH THE CITY COUNCIL

City Council Members were available to address online questions from residents via social media. No questions were presented.

6:00 BRIEFING SESSION

6:01:18 PM Chairman Ernest Burgess conducted the Briefing Session, which convened at 6:01 p.m. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present except Council Member Dan Armstrong, who was expected shortly.

1. Review Agenda

6:00:54 PM The agenda for the City Council Meeting was reviewed. Council Member Armstrong joined the meeting at 6:02 p.m.

2. Adjourn

6:02:46 PM Chairman Burgess declared the Briefing Session adjourned at 6:02 p.m.

REGULAR MEETING

Attendance:

Mayor Lawrence Johnson

Council Members:

Council Chairman Ernest Burgess
Vice-Chairman Brad Christopherson
Council Member Daniel Armstrong
Council Member Dama Barbour
Council Member Kristie Overson

City Staff:

John Taylor, City Administrator
Tracy Cowdell, City Attorney
Mark McGrath, Community Development Director
Mike Schoenfeld, UPD Lieutenant
Cheryl Peacock Cottle, City Recorder
Scott Harrington, Chief Financial Officer
Wayne Harper, Economic Development Director
Jay Ziolkowski, UFA Battalion Chief
Kristy Heineman, Council Coordinator

Excused: Tiffany Janzen, Public Information Officer

Others: John Inch Morgan, Royce Larsen, Gordon Willardson, Jackie Willardson, Jolene Dearden, John Gidney, Sarah Schriver, Lynn Handy, Diane Wright, Lynette Wendel, Larry Hiller, Renee Sorensen, Bonnie Peters, Ken Donarski, Ken Acker, Scouts from Troop 3077

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

6:30:09 PM Chairman Ernest Burgess called the meeting to order at 6:30 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

6:30:53 PM Chair Burgess recognized scouts from Troop 3077 in attendance.

1.1 Opening Ceremonies – Pledge/Reverence – *Council Member Armstrong (Opening Ceremonies for April 13, 2016 to be arranged by Council Member Barbour)*

Scouts from Troop 3077 directed the Pledge of Allegiance.

No Reverence was offered.

1.2 Mayor's Report

1.2.1 Child Abuse Prevention Month Proclamation

6:32:53 PM Mayor Lawrence Johnson recognized Renee Sorensen and Bonnie Peters and presented them with a proclamation proclaiming April as "Child Abuse Prevention Month" in Taylorsville.

1.3 Citizen Comments

Chairman Ernest Burgess reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

6:37:32 PM Bonnie Peters, of the Family Support Center, described the "Child Abuse Prevention Stroller Walk" Event to be held on Saturday April 9, 2015, at 10:00 a.m. She invited City officials to come out and support the event.

6:38:08 PM Royce Larsen commented on the new Summit Vista Development and referenced its location. He recognized the Unified Police Department and commended their support of safety in his neighborhood, which is east of Redwood Road near the Salt Lake Community College. He described a heinous crime that was committed and the law enforcement efforts that resulted in the apprehension of suspects. He cited the excellent police work of officers involved.

6:42:40 PM Diane Wright, Chair of Community Council 2A, spoke about needed improvements to Vista Park. She cited the positive impact that improvements would have on all surrounding neighborhoods.

There were no additional citizen comments, and Chairman Burgess closed the citizen comment period.

2. APPOINTMENTS

There were no appointments.

3. REPORTS

3.1 VECC Report – *John Inch Morgan*

6:44:36 PM VECC Executive Director John Inch Morgan reported on services provided by the Salt Lake Valley Emergency Communications Center (VECC). He discussed 911 services provided through VECC. He described the history of VECC and listed current participating law enforcement agencies. He gave a demographic overview. He illustrated the VECC Service Area.

Mr. Morgan described the VECC budget, half of which comes from State 911 funds. He explained steps that are taken whenever a 911 call is received. He outlined the governance of VECC, including its Board of Trustees, Board of Operations, User Advisory Groups (Police, Fire and Technical Services). He reviewed staffing needs and requirements for employees. He cited training for fire dispatchers and gave an overview of the call-taking process. He discussed when to call 911 and noted that 911 calls should only be made when life or property is in danger.

6:56:39 PM Mr. Morgan called for any questions.

6:56:50 PM Council Member Kristie Overson asked for confirmation that every city in the valley, except Sandy and Salt Lake City, is included in VECC. Mr. Morgan described efforts to involve Sandy and Salt Lake City in VECC through a uniform CAD system. He indicated that progress is being made and new software will be purchased soon.

7:00:39 PM Council Member Dama Barbour asked for clarification on the route for 911 calls originating in Taylorsville. Mr. Morgan confirmed that calls go to VECC first and then are forwarded to the closest location. He clarified that the two answering points are Salt Lake City and VECC. He explained ways that calls from cell phones are processed.

4. CONSENT AGENDA

There were no matters for the Consent Agenda.

5. PLANNING MATTERS

There were no planning matters.

6. FINANCIAL MATTERS

- 6.1 Resolution No. 16-08 – Adopting the One-Year Action Plan for the Forty-Second Year of Community Development Block Grant Funding and Home Investment Partnership Funding (2016-2017), and Approving an Interlocal Cooperation Agreement Between the City of Taylorsville and the U.S. Department of Housing and Urban Development – *Kathy Ricci/Ken Donarski***

7:03:15 PM Chair Ernest Burgess presented the subject resolution to adopt final funding allocations for the 2016-2017 CDBG/Home Grant.

7:03:18 PM Council Member Brad Christopherson **MOVED** to adopt Resolution No. 16-08 – Adopting the One-Year Action Plan for the Forty-Second Year of Community Development Block Grant Funding and Home Investment Partnership Funding (2016-2017), and Approving an Interlocal Cooperation Agreement Between the city of Taylorsville and the U.S. Department of Housing and Urban Development. Council Member Dama Barbour **SECONDED** the motion. Chairman Ernest Burgess called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: Armstrong-yes, Overson-yes, Christopherson-yes, Burgess-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.**

7. OTHER MATTERS

- 7.1 Open and Public Meetings Act Training – *Tracy Cowdell***

7:04:42 PM City Attorney Tracy Cowdell presented annual training for elected officials regarding the Open and Public Meetings Act. Mr. Cowdell discussed the purpose of the Act and its general provisions. He discussed several case studies. He called for questions and made general points of clarification. *A copy of Mr. Cowdell's presentation is attached and incorporated herein as part of this record.*

7:42:10 PM Chair Burgess recognized additional scouts from Troop 3077.

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

There were no new items for subsequent consideration.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

7:43:20 PM

- 9.1 Planning Commission Meeting – Tuesday, April 12, 2016 – 7:00 p.m.
- 9.2 City Council Social Media/Briefing Session – Wednesday, April 13, 2016 – 5:30-6:30 p.m.
- 9.3 City Council Meeting – Wednesday, April 13, 2016 – 6:30 p.m.
- 9.4 City Council Social Media/Briefing Session – Wednesday, April 20, 2016 – 5:30-6:30 p.m.
- 9.5 City Council Meeting – Wednesday, April 20, 2016 – 6:30 p.m.

10. CALENDAR OF UPCOMING EVENTS

7:44:08 PM

- 10.1 *Arts Council Presents: "Snoopy the Musical"* – March 18, 19 & 21, 2016 at 7:00 p.m.
- 10.2 *Annual Taylorsville Art Show* – March 18 & 19, 2016 – Taylorsville Senior Center. For More Information Visit the City's Website at www.taylorsvilleut.gov
- 10.3 *Easter Egg Hunts* - Saturday, March 26, 2016:
 - 10.3.1 Labrum Park at 9:00 a.m. – Sponsored by the Taylorsville Bennion Lion's Club
 - 10.3.2 Valley Regional Park at 9:00 a.m.
 - 10.3.3 Easter Eggstravaganza at City Hall at 10:00 a.m. – Sponsored by CrossPoint Church
- 10.4 *Annual Child Abuse Awareness Pinwheel Garden Ceremony* – Saturday, April 2, 2016 at 9:00 a.m.

11. CLOSED SESSION (*Conference Room 202*)

- For the Purpose(s) Described in Statute U.C.A. 52-4-205

It was determined that a Closed Session was not needed and no Closed Session was held.

12. ADJOURNMENT

7:45:10 PM Council Member Brad Christopherson **MOVED** to adjourn the City Council Meeting. Council Member Kristie Overson **SECONDED** the motion. Chairman Ernest Burgess called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: Armstrong-yes, Overson-yes, Christopherson-yes, Burgess-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 7:45 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 04-20-16

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder

Open & Public Meetings Act:

Utah Code Ann. Title 54, Chapter 4

By: Tracy S. Cowdell, Esq.

What is the purpose of the Act?

- Aid in the conduct of the people's business
- Actions and deliberations should be conducted openly
- Intended to facilitate openness

To whom does the Act apply?

- Any public body
- Administrative, advisory, executive or legislative body
 - Created by Utah Constitution, statute, rule, ordinance or resolution
 - Consists of 2 or more people
 - Expends, disburses, or is supported by tax revenue
 - Vested with authority to make decisions regarding the public's business

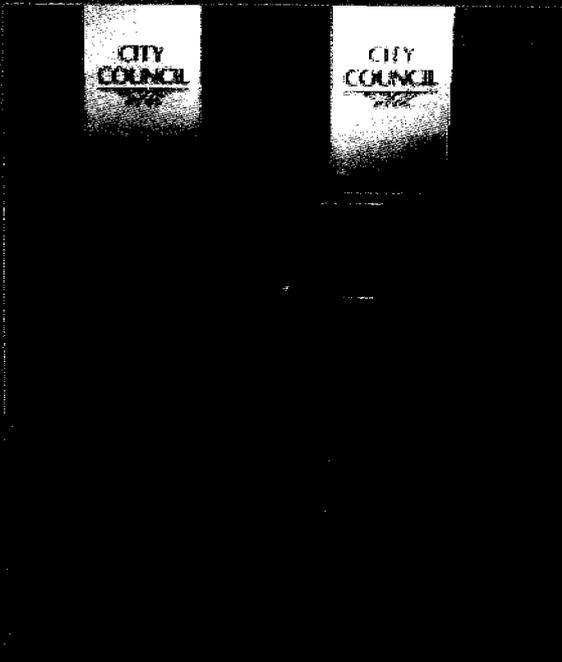
What is a “meeting?”

- The convening of a public body, with a quorum present, . . . for the purpose of discussing, receiving comments from the public concerning, or acting upon a matter over which the public body has jurisdiction or advisory power.
- Quorum

How to Notice a Meeting

- 24 hours public notice
- Agenda - date, time and place
- Principal office & online
- Annual public notice
- Emergencies - best notice possible

Closed Sessions



- To discuss the character, professional competence, or physical or mental health of an individual.
- To discuss strategy for pending or reasonably imminent litigation
- To discuss the purchase, sale, or lease of real property
- To investigate allegations of criminal misconduct.

Recording a Meeting

- Pending minutes - 30 days
 - Approved minutes - 3 days
 - Audio recordings - 3 days
-
- What information does the record need to include?

Summary of the Open & Public Meetings Act

- Meetings
- General Rule
- Notice
- Agenda
- Minutes and Recordings
- Closed Meetings
- Electronic Meetings
- Reasonable Accommodations
- Disruptive Behavior
- Voiding a Public Meeting
- Action Challenging Closed Meeting
- Enforcement of the Act

OPEN AND PUBLIC MEETINGS ACT TRAINING

By: Tracy Scott Cowdell
City Attorney

20 Questions:

1. Who is responsible to ensure that a body receive training regarding the Act?

The presiding officer of each public body is responsible to ensure that all members of the public body are provided with annual training on the Open and Public Meetings Act.

See UTAH CODE ANN. §52-4-104.

2. What is the intent or public policy of the Act?

- a. Public bodies exist to aid in the conduct of the people's business.
- b. The actions and deliberations of public bodies should be taken and conducted openly.

See UTAH CODE ANN. §52-4-102.

3. What is a meeting?

The convening of a *public body*, with a *quorum* present, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public concerning, or acting upon a matter over which the public body has jurisdiction or advisory power.

See UTAH CODE ANN. §52-4-103(6).

4. What is NOT a meeting?

- a. A chance gathering
- b. A social gathering
 - i. Ex: a holiday party is not a meeting
 - ii. Ex: a ribbon cutting for a new business is not a meeting

See UTAH CODE ANN. §52-4-103(6)(b).

5. What is a quorum?

A “quorum” means a simple majority (greater than half) of the membership of a public body, unless otherwise defined by applicable law.

See UTAH CODE ANN. §52-4-103(11).

6. What constitutes notice of a meeting? How do we notice a meeting?

- a. At least **24 hours’ public notice** of the agenda, date, time and place of each meeting.
- b. The 24-hour public notice is satisfied by:
 - i. posting a written notice at the principal office of the public body; and
 - ii. posting the notice online at the Utah Public Notice Website
- c. **Annual public notice** of the date, time, and place of regularly scheduled board meetings must also be posted in the same manner.

See UTAH CODE ANN. §52-4-202(1)-(3); UTAH CODE ANN. § 63F-1-701.

7. What about emergency meetings?

- a. Best notice practicable – time, place and topics; and
- b. Quorum approves the need for a meeting

See UTAH CODE ANN. §52-4-202(5).

8. What are the agenda requirements?

A public notice that is required to include an agenda must be specific enough to notify the public as to the topics to be considered at a meeting.

See UTAH CODE ANN. §52-4-202(6)(a).

9. What if a topic is raised that is not on the agenda?

The public body may discuss the topic, but it cannot take any action on the topic.

See UTAH CODE ANN. §52-4-202(6)(b)-(c).

10. What should be included in the meeting minutes?

- a. the date, time and place of the meeting;
- b. the names of members present and absent;
- c. the substance of all matters proposed, discussed, or decided;
- d. record, by individual member, of each vote taken;
- e. the name of each person who is not a member who provided testimony or comments;
- f. the substance of any testimony or comments by the public; and
- g. any other information any member requests to be entered.

See UTAH CODE ANN. §52-4-203(2).

11. What are the elements of a properly closed meeting?

- a. A quorum is present
- b. A properly noticed open meeting
- c. 2/3 of the members of the public body present vote to approve closing the meeting (optional closed meeting)
- d. A majority of the members of the public body present vote to approve closing the meeting (for meetings required to be closed).

See UTAH CODE ANN. §52-4-204(1).

12. What subjects may be covered in a closed meeting?

- a. discussion of the character, professional competence, or physical or mental health of an individual (excepting a person submitted for consideration to fill a midterm vacancy or temporary absence of an elected office);
- b. strategy sessions discussing:

- i. pending or reasonably imminent litigation;
- ii. collective bargaining;
- iii. the purchase, exchange, or lease of real property if discussion would disclose property value or prevent the best possible transaction for the public body;
- iv. the sale of real property if discussion would disclose property value or prevent the best possible transaction for the public body;
- v. deployment of security personnel, devices, or systems; and
- vi. investigative proceedings regarding allegations of criminal misconduct.

See UTAH CODE ANN. §52-4-205(1).

13. What can be decided in a closed meeting?

14. Keeping a record of a closed meeting?

- a. Date, time, and place of the meeting;
- b. The names of members present and absent;
- c. The names of all other present unless disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting;
- d. Keep a recording forever
- e. Instead of a recording, a sworn statement is required from the person presiding at a meeting if a public body closes a meeting exclusively for the purpose of:
 - i. discussing character, professional competence, or physical or mental health of an individual; or

- ii. discussing the deployment of security personnel, devices, or systems.

See UTAH CODE ANN. §52-4-206.

15. How does one challenge a closed session?

- a. Court action
- b. In camera review to decide legality of the closed meeting

See UTAH CODE ANN. §52-4-304.

16. What are the requirement for an electronic meeting?

- a. Written policy – resolution, rule, or ordinance governing use of electronic meetings
- b. Post public notice as usual
- c. Post written notice at the anchor location of the meeting
- d. Specify how members of the public can participate

See UTAH CODE ANN. §52-4-207.

17. How do you deal with Disruptive behavior?

Any person who willfully disrupts a public meeting to the extent that disorderly conduct is seriously compromised may be removed from the meeting.

See UTAH CODE ANN. §52-4-301.

18. Enforcement of the Act?

- a. The attorney general and county attorneys are responsible for enforcement of the Open and Public Meetings Act.
- b. The attorney general is required on a least a yearly basis to provide notice to all public bodies of any material changes to the Open and Public Meetings Act.

- c. A person denied any right under the Act may bring suit to compel compliance with or enjoin violations or determine the applicability of the Act, and may be awarded attorney fees and court costs if successful.

See UTAH CODE ANN. §52-4-303.

19. What are the penalties for violating the Act?

- a. Termination or suspension for an employee
- b. Official action could be voided in Court
- c. A knowing or intentional violation or aiding or advising in the violation of the closed meeting provisions of the Open and Public Meetings Act is a class B misdemeanor.
- d. Criminal penalties for intentionally destroying or failing to keep records.

See UTAH CODE ANN. §52-4-305.

20. Questions?