



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 2, 2018 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Diane Turner, Chair	District #4
Dave Nicponski, Vice-Chair	District #1
Dale Cox	District #2
Jim Brass	District #3
Brett Hales	District #5

Others in Attendance:

Blair Camp	Mayor	Jan Lopez	Council Director
G.L. Critchfield	City Attorney	Jennifer Kennedy	City Recorder
Jennifer Heaps	Comm. & Public Relations Director	Pattie Johnson	Council Office
Tim Tingey	ADS Director	Doug Hill	Chief Admin Officer
Jim McNulty	Development Services Manager	Trong Le	IT
Jon Harris	Fire Chief	Joey Mittelman	Fire Department
Mike Dykman	Asst. Fire Chief	Chad Pascua	Fire Department
Danny Astill	Public Works Director	Sarah Kim	Council - Intern
Jennifer Brass	Resident		

Ms. Turner called the meeting to order at 5:15 p.m.

Approval of Minutes - Ms. Turner asked for comments or a motion on the minutes from:

- Committee of the Whole – August 21, 2018
- Land Use Training – August 22, 2018

Mr. Hales moved approval for both, with one correction on the August 21, 2018 minutes. Mr. Brass seconded the motion. (Approved 5-0)

Discussion Items

1. **Sign Donation from the Jordan River Parkway Foundation** – Mayor Camp and Kim Sorensen

A request was made to place two interpretive signs along the Jordan River corridor that would explain history in the area. Signs would be located near or at Arrowhead Park located along Murray's section of the Jordan River Parkway trail.

The Murray Parks and Recreation Department will determine wording and subject information and the Jordan River Foundation will pay for producing and installing signs with donations the foundation recently received. The foundation's and city's logos, as well as, donor information would also be depicted on signs. The council would consider acceptance of the signs at an upcoming council meeting.

2. **Update on the City Hall Process** – Mayor Camp and Tim Tingey

Mayor Camp noted Mr. Tingey's resignation and appreciated all the hard work done by him and his staff. The mayor said the city was in a good place to move forward with plans for constructing a new city hall.

Mr. Tingey confirmed a request for qualifications (RFQ), for architectural services was close and the hope was to finalize the procedure by the end of the week. The project management firm MOCA, assisted with developing the RFQ document, which was reviewed by City Attorney, G.L. Critchfield and legal staff, as well as, Administrative Development Services (ADS) staff and the mayor's office. Chief Administrative Officer, Mr. Hill will work with MOCA and others in the future to move the project forward. Details were noted about the proposal:

- Two steps for selecting an architectural service:
 1. Applicants will submit qualifications and background information to the City Hall Committee for review - to narrow down a select few.
 2. The selected few would submit additional materials, such as, implementation plans, engineering management budgets and schedules, risk mitigation, and design elements. After complete reviews, a final choice would be made.
- An RFQ for a construction manager at risk services would be submitted at the same time. The practice of hiring a contractor to work alongside the architect is common for public projects. It is important both entities work together closely on the design process to review and determine cost efficiency and outline different scenarios.

Mr. Tingey explained most city hall facilities across the valley, as well as, state projects follow this method, which is allowed under state code. Rather than have an architect provide all design service work, the contractor would review and confirm costs to avoid over priced bids. The hope is to release both RFQ's by the end of the week, which would be followed by a two-month process for reviewing qualifications, timelines and design.

Mr. Nicponski asked how long before a complete team would be acquired. Mr. Tingey hoped

sometime this December.

3. **Proposed Rezone at 777 and 787 West Bullion Street** – Tim Tingey

Mr. Tingey invited Mr. McNulty to lead the discussion. He shared a map to point out the overall area, which includes two parcels of land that total under two acres (1.80). The proposal means changing the current zone from A-1 (agricultural) to R-1-8, which is supported by the General Plan Land Use Map.

The planning commission held a public hearing on September 6, 2018, to discuss and approve the rezone, which would be forwarded to the city council for their consideration at an upcoming council meeting. A few residents attended the public hearing to express points of view, where it was explained that the hearing was only to approve a rezone. Mr. Tingey confirmed development could occur in the future, however, the issue at hand was only to approve the rezone.

4. **Sexual Harassment Training** – G.L. Critchfield

Sexual harassment training should include extensive training on the actual policy itself, and always be ongoing. Mr. Critchfield shared a brief overview and stated all training information was imperative for sensitizing the council and supervisors.

The city council tends to be the face of the city and held to a higher standard, whose authority was essentially vested during various public events and meetings. However, when alone, the cloak of authority dissipates, which was why if a council member found themselves alone and engaging in sexual harassment - the situation sets the city up for great liability. As city council members, each member should help set a positive tone for the rest of the city.

An internet article written by novelist and journalist, Anna North noted that since April 2017, 219 people were accused of sexual misconduct, including celebrities, politicians, CEO's and others. Whether sexual harassment, assault, or misconduct allegations, as sexual harassment awareness continues to grow, survivors and victims are feeling more comfortable about coming forward. This means it is more important than ever before, for people to recognize and prevent sexual harassment.

Mr. Critchfield continued at great length with an extensive training, however, he said he could not possibly cover all aspects of sexual harassment during the Committee of the Whole. The following information was reviewed:

- Legal terms used in court to define sexual harassment and results of prosecution.
- A review and definition of Title VII of the Civil Rights Act of 1964 regarding sexual harassment and how it is handled in a United States court of law.
- Supreme court guidelines and factors, regarding what is and what is not considered severe conduct. Such as, frequency, whether physically threatening or humiliating, or a mere offensive utterance.
- The courts application of the 'reasonable person standard' – and, the 'severe and pervasive standard', because not everything said, and everything done amounts to sexual harassment.
- Sexual harassment needs to be severe or pervasive to be considered legitimate. It essentially is aimed

at extreme conduct. Under this standard, occasional or sporadic teasing, gender-based jokes, off-hand comments, and other such behavior may not amount to actual sexual misconduct.

- A certain point of conduct must be met before an act is considered sexual harassment.
- The #metoo movement has been more effective than the law has ever been, due to social media.

Mr. Critchfield said sexual harassment means more than legal liability matters, money, and payouts – and noted the following:

- People in the spotlight who resigned, were fired, lost reputations, and paid lawsuits had one similar characteristic - they were primarily men.
- The act of sexual harassment is centuries old.
- It is common that legal liability can range from \$100,000, to several million dollars.
- Tangible employment action – firing, hiring, demoting and reassignment to change status.
- Sexual favors, hostile work environments, adverse action, discriminatory intimidation and ridicule.
- By-standers are affected by sexual harassment.
- For years, it has been common knowledge that many people in positions of influence and power are guilty of sexual harassment activities.
- Historically, it has always been a struggle for women to end sexual harassment and unwanted sexual relations imposed by supervisors at work.
- Men can be harassed as easily as women, and same sex harassment is common.

In summary, Mr. Critchfield said the city's policy is good and had been in place for a long time, which should be taken very seriously and reviewed annually. The following was noted regarding the city:

- How the city can create and maintain a work place culture that simply does not tolerate sexual harassment.
- An employer does well to protect itself and employees by having a good sexual harassment policy in place and a good complaint procedure – so employees feel safe coming forward.
- Murray City has a good sexual harassment policy in place and a good system for employees. Reminders and constant awareness are important.
- Murray City's anti-harassment policy.

Mr. Nicponski agreed city employees should receive sexual harassment training often to avoid problems and requested Mr. Terry frequently update the council about training content and occurrences.

Mayor Camp reported discussions with Mr. Terry and Risk Management were scheduled to address sexual harassment and other concerns to keep city employees up to date.

Ms. Turner explained her request for sexual harassment training was prompted after attending a round-table discussion at the National League of Cities, regarding sexual harassment policy. It was there she learned that the biggest liability and settlements some cities experienced, resulted from sexual harassment lawsuits involving elected officials and administrators - who incurred million-dollar payouts. She thought it was imperative the city not foster any kind of environment that encouraged sexual harassment to avoid a financial pitfall and agreed frequent training might discourage situations

the council was not aware of. She said the issue was important to her and noted her master's thesis was written on the comparison of the sexual harassment policies along the Wasatch Front 35 years ago.

Mr. Critchfield said Murray had a very good work force and reported sexual harassment was not a rampant problem in the city. However, the issue should be thought about often, brought to the attention of everyone, and education should continue so that employees are always aware of what sexual harassment is.

Announcements: Ms. Lopez made several announcements related to coming events for the council members.

Adjournment: 6:00 p.m.

**Pattie Johnson
Council Office Administrator II**