

CITY OF SOUTH SALT LAKE  
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, May 13, 2015  
7:00 p.m.

CITY OFFICES 220 East Morris Avenue – Suite 200  
South Salt Lake, Utah 84115

PRESIDING Council Chair Irvin H. Jones, Jr.

CONDUCTING Council Member Michael Rutter

SERIOUS MOMENT OF REFLECTION/  
PLEDGE OF ALLEGIANCE Council Member Debbie Snow

SERGEANT AT ARMS Ryan Cram

COUNCIL MEMBERS PRESENT:  
Sharla Beverly, Ryan Gold, Irvin H. Jones, Jr., Kevin Rapp,  
Michael Rutter and Debbie Snow

COUNCIL MEMBERS EXCUSED:  
LeRoy Turner

STAFF PRESENT:  
Mayor Cherie Wood  
Charee Peck, Chief of Staff  
Lyn Creswell, City Attorney  
Paul Roberts, Deputy City Attorney  
Jack Carruth, Chief of Police  
Dennis Pay, Public Works Director  
Mike Florence, Community and Economic Development Director  
Frank Lilly, Deputy Community and Economic Development Director  
Alexandra White, City Planner  
Mont Roosendaal, Public Assets Director  
Craig Burton, City Recorder  
Paula Melgar, Deputy City Recorder

OTHERS PRESENT:  
See attached list

**APPROVAL OF MINUTES**

**March 25, 2015 Work Meeting.** Council Member Beverly moved to approve these minutes.

MOTION: Sharla Beverly  
SECOND: Kevin Rapp

Voice Vote:

Beverly Aye  
Gold Aye  
Jones Aye  
Rapp Aye  
Rutter Aye  
Snow Aye  
Turner Absent

**March 25, 2015 Regular Meeting.** Council Member Rapp moved to approve these minutes.

MOTION: Kevin Rapp  
SECOND: Ryan Gold

Voice Vote:

Beverly Aye  
Gold Aye  
Jones Aye  
Rapp Aye  
Rutter Aye  
Snow Aye  
Turner Absent

**April 1, 2015 Work Meeting.** Council Member Gold moved to approve these minutes.

MOTION: Ryan Gold  
SECOND: Sharla Beverly

Voice Vote:

Beverly Aye  
Gold Aye  
Jones Aye  
Rapp Aye  
Rutter Aye  
Snow Aye  
Turner Absent

**April 1, 2015 Regular Meeting.** Council Member Rapp moved to approve these minutes.

MOTION: Kevin Rapp  
SECOND: Debbie Snow

Voice Vote:

Beverly Aye  
Gold Aye  
Jones Aye  
Rapp Aye  
Rutter Aye  
Snow Aye  
Turner Absent

**April 22, 2015 Work Meeting.** Council Member Beverly moved to approve these minutes.

MOTION: Sharla Beverly  
SECOND: Ryan Gold

Voice Vote:

Beverly Aye  
Gold Aye  
Jones Aye  
Rapp Aye  
Rutter Aye  
Snow Abstain  
Turner Absent

Council Member Snow abstained because she wasn't present at the meeting.

**April 22, 2015 Regular Meeting.** Council Member Gold moved to approve these minutes.

MOTION: Ryan Gold  
SECOND: Kevin Rapp

Voice Vote:

Beverly Aye  
Gold Aye  
Jones Aye  
Rapp Aye  
Rutter Aye  
Snow Abstain  
Turner Absent

Council Member Snow abstained because she wasn't present at the meeting.

**NO ACTION COMMENTS**

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **CITIZEN COMMENTS/QUESTIONS.** None.

- 3. MAYOR COMMENTS.** Mayor Wood reported that the City received an award letter for CDBG funding. They received \$40,000 for the Community Connection Program; \$25,000 for curb appeal grants; \$15,000 on infrastructure; and \$89,000 that will be used for turf and lighting at Central Park Community Center.

Evander Holyfield will be visiting the PAL Boxing Center Friday morning at 7:15 a.m. He had mentioned that he started out in the Atlanta PAL program. He couldn't come to the National Police Athletic League Conference that South Salt Lake is hosting next week but he is happy to come and spend some time with our youth on Friday.

The City had a fantastic Town Hall Meeting last week discussing downtown. There were between 30 and 40 residents who participated.

- 4. CITY ATTORNEY COMMENTS.** None.
- 5. CITY COUNCIL COMMENTS.** Council Member Rapp expressed appreciation to the police department.

Council Member Beverly feels the City had another successful spring cleanup. Her neighborhood is very happy.

Council Chair Jones reported that his wife attended the mother and son event. It was well attended. It is an event that the people love and helps develop the feeling of community.

Council Member Gold thinks they have a cleanup program that is working this time.

- 6. INFORMATION. Disposition of seized firearms.** Police Chief, Jack Carruth, reported to the Council that since he has been with the City, the seized firearms that the police have collected have been destroyed. Now they would like to turn in weapons that were not used in violent crimes and trade them for targets and rifle racks for the patrol cars. They are going to enter into a contract with Shooters World Management to do this.

#### **UNFINISHED COUNCIL BUSINESS**

- 1. Ratify an ordinance amending Chapter 3.16 – Disposal of Surplus Property, and providing for the acquisition of surplus laptops by income-qualified residents.** Deputy Attorney, Paul Roberts, advised the Council this is a ratification of what they did last week because they didn't have the ordinance in ordinance form. Now it is in ordinance form for the Council to approve.

Council Chair Jones moved to ratify the previous action taken by the Council and approve this ordinance.

MOTION: Irvin H. Jones, Jr.

SECOND: Kevin Rapp

Roll Call Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Absent

2. **An ordinance amending Section 2.60.040 of the City of South Salt Lake Municipal Code related to employee disciplinary action.** Mr. Roberts advised the Council that this was discussed at length three weeks ago.

Council Member Beverly moved to approve this ordinance.

MOTION: Sharla Beverly

SECOND: Ryan Gold

Roll Call Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Absent

**NEW COUNCIL BUSINESS**

1. **Municipal Wastewater Planning Program resolution.** Public Works Director, Dennis Pay, advised the Council that this is the City’s annual municipal wastewater planning report. It is required by the State and they do it every year. It helps the State plan and anticipate what issues may arise in the wastewater sector.

Council Chair Jones said it looks like there are some things the City needs to do.

Mr. Pay agreed saying they are addressing some of the issues. One of the big ones is funding. They are looking at changing the rate structure which should help. They are also looking at impact fees that they should have in place soon. They are also working on a written safety program. They have one in place but is hasn’t been written up yet, but they are working on it.

Council Chair Irvin Jones, Jr. moved to suspend the rules.

MOTION: Irvin Jones, Jr.

SECOND: Kevin Rapp

Voice Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Absent

Council Member Debbie Snow moved to approve this ordinance.

MOTION: Debbie Snow  
SECOND: Sharla Beverly

Roll Call Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Absent

The Council took a five minute recess at 7:25 p.m.

The Council reconvened at 7:30 p.m. and moved to the public hearing on agenda.

**PUBLIC HEARING – 7:30 p.m. (Or as soon thereafter as possible)**

To receive public input regarding an ordinance authorizing a proximity variance to operate a Class B alcohol license at 155 W. Commonwealth Avenue, South Salt Lake, Utah

Community and Economic Development Director, Mike Florence, explained that this is for a proximity variance for Pat’s Barbeque to be able to sell alcohol on premise for on premise consumption. They are within 600 feet of a church which is against the municipal code. Mr. Barber’s wife passed away recently and the alcohol license was in her name so he is petitioning to have it put in his name but he needs a proximity variance from the City to do that. The Council received a letter in their packet from the pastor of the Rock Church saying he has no objection to granting the variance. Mr. Barber has not had any alcohol violations and runs a good operation. They came before the Council in 2005 and obtained a proximity variance at that time and they are asking for the same request this evening.

Council Member Gold asked if anything is changing from what has been going on at the establishment.

Mr. Florence advised that nothing is changing.

The public hearing was opened at 7:33 p.m.

There were no comments.

The public hearing was closed at 7:34 p.m.

Council Member Beverly moved to approve this ordinance.

MOTION: Sharla Beverly

SECOND: Kevin Rapp

Roll Call Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Absent

Mr. Rutter took a point of personal privilege to express his condolences to Mr. Barber and thanked him for all he does.

The Council then went back to item 2 on Unfinished Business on the Council agenda.

- 2. An amendment to the City's Future Land Use Map from Medium Density Residential to General Commercial for property located at 134, 135, and 139 East 3185 South.** Deputy Community Development Director, Frank Lilly, advised the Council the next two items on the agenda are land use map amendments that were petitioned by property owners on State Street. This first one would allow the owner of the auto dealership to expand onto property that was formerly occupied by a vacant and abandoned home that was a nuisance to the community for almost twenty years. Mr. Lilly reviewed the staff report handout with the Council. A copy is attached to these minutes and incorporated by this reference. On a 4-2 vote the Planning Commission recommended denial. They didn't feel this rose to the standard of encouraging development on a larger basis. While the end product would be an enhancement to State Street, they did not believe it met that standard of not allowing encroachment of existing residential on a lot by lot basis. Their recommendation to the City Council is to deny the request. The Council has the option to approve or deny.

Council Chair Jones asked if any of the neighbors had been contacted about this proposal.

Mr. Lilly said they had. Staff held a public hearing with the Planning Commission and the majority of the neighbors expressed concern about encroachment. And spoke against it.

Council Member Rutter asked what would go on the lot if this was denied.

Mr. Lilly said the only allowable use would be a single family home. There have been single family homes built near State Street in the last four or five years and there are developers interested in it. He doesn't feel it would be impossible.

Mr. Florence suggested that the existing building is close to the property line and any new home would be really close to it and the business does operate all day long and into the evening.

Council Member Snow suggested that there are three parcels on this property so there's a potential of three family homes being built.

Mr. Lilly said all three have functioned as one lot so it would probably be one home on the lot. In total it is one third of an acre. They have the area, but probably not the width to do it.

Mr. Florence said they might be able to do two homes but it would have to be looked at further.

Mr. Lilly advised that this is an important policy consideration for the Council to weigh in on. Staff gets a number of requests from the businesses on State Street looking for opportunities to expand. The way the zoning works there is pretty much a hard line between that first property line on State Street and the residential to the east. The policy question before the Council tonight, which is an important one for staff to take back to the community, is what really constitutes a lot by lot expansion and what constitutes a development of scale that is sufficient to support that sort of encroachment. The General Plan has two conflicting values that are there for good reason. They have to be weighed out.

Council Member Gold moved to place this item on Unfinished Business on the May 27, 2015 Council meeting.

MOTION: Ryan Gold  
 SECOND: Sharla Beverly  
Voice Vote:  
 Beverly Aye  
 Gold Aye  
 Jones Aye  
 Rapp Aye  
 Rutter Aye  
 Snow Aye  
 Turner Absent

3. **An amendment to the City's Future Land Use Map from Medium Density Residential to General Commercial for property located at 75 and 79 East Louise Avenue.** Mr. Lilly advised that Louise Avenue, LLC is petitioning the Council to amend the future land use map from Low Density Residential to General Commercial to allow for the expansion of the existing car dealership that fronts on State Street at 2848 South. Mr. Lilly reviewed the staff report with the



Council. A copy is attached to these minutes and incorporated by this reference. The owner at this time is not proposing to make any changes to their property, just simply expand the lot. This is the same General Plan considerations as the previous item. The real issue hinges on whether this meets the policy not to allow encroachment to existing residential areas on a lot by lot basis.

Council Member Snow pointed out that the Planning Commission was unanimous in recommending denial on this project. In this project there is no proposal to improve the lots and the homes would remain.

Council Member Gold asked for clarification on who owned the two parcels.

Mr. Lilly explained that the business is leasing from the property owner who also owns the two parcels under consideration.

The property owner, Gary McDougal, explained that one of reasons they brought this forward is they are faced with the choice of what to do. They are losing money on the renters. They felt that this could add to the car lot. They haven't proposed improvements but intended to spend more than \$100,000 trying to remove the homes and upgrade the car lot. They have been impressed with the car lots around that have expanded and if the City is growing and they're improving the lots between Main and State Street, they want to be a part of that. If the City doesn't want to expand and revitalize that way, they are okay with that too. They are at a crossroads where they have to do something with the homes and they can't continue to lose money. They haven't spent the money to go to an engineer because they didn't know what the City may, or may not, do. They would be happy to spend some money and design some things but if there's no hope of ever doing it, they would just as soon know that as well and not spend money on designing that won't be approved.

Council Chair Jones said it is his feeling from the Council that the answer is no on the car lot.

Council Member Rapp moved to place this item on Unfinished Business on the May 27, 2015 Council meeting.

MOTION: Kevin Rapp  
SECOND: Sharla Beverly  
Voice Vote:  
Beverly Aye  
Gold Aye  
Jones Aye  
Rapp Aye  
Rutter Aye  
Snow Aye  
Turner Absent

4. **An amendment to the City’s zoning ordinance to allow for a reduction in lot widths for lot splits in the single-family residential zone.** City Planner, Alexandra White reviewed the staff report with the Council. A copy is attached and incorporated by this reference. The applicant is petitioning the Council to amend the zoning ordinance. The property is a very wide lot. The applicant’s intention is to subdivide the lot, renovate the existing home and build a new single family home on the additional side lot. The lot meets all the requirements for square footage but each lot it is 2.1 feet short width wise of meeting the fifty foot requirement. Somewhere along the line it didn’t get surveyed exactly at fifty feet.

The Planning Commission voted unanimously to recommend to the Council to amend the ordinance.

Council Member Gold moved to place this on Unfinished Business on the May 27, 2015 Council meeting.

MOTION: Ryan Gold  
 SECOND: Sharla Beverly  
Voice Vote:  
 Beverly Aye  
 Gold Aye  
 Jones Aye  
 Rapp Aye  
 Rutter Aye  
 Snow Aye  
 Turner Absent

5. **Adoption of a PUD overlay zone and approval of a proposed subdivision plat amendment, adding four new lots to the existing Nibley Gardens Planned Unit Development Located at 570 East Garden Avenue. The overlay zone will be applied to all lots in the original and amended Nibley Gardens Planned Unit Development.** Ms. White advised the Council that the proposed subdivision would be a combined total of nine single family homes. Five currently exist and this is the amendment to add the other four. Three of the new homes will be accessed on Adams Garden Cove, the private lane, and the first home will front Garden Avenue but will have a side loaded garage so it will interface with the streets. She reviewed the staff report with the Council. A copy is attached to these minutes and incorporated by this reference.

The Planning Commission unanimously recommended the adoption of the PUD overlay and approval of the proposed subdivision.

Council Member Snow moved to place this on Unfinished Business on the May 27, 2015 Council meeting

MOTION: Debbie Snow  
 SECOND: Kevin Rapp

Voice Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Absent


Council Member Gold moved to adjourn.

MOTION: Ryan Gold  
SECOND: Sharla Beverly

Voice Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Absent

The meeting adjourned at 8:26 p.m.

  
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Irvin H. Jones, Jr., Council Chair  
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Craig D. Burton, City Recorder

May 13, 2015

CITY COUNCIL - REGULAR MEETING  
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Travis Morgan		Troop 172
Nathan Mitchell		Troop 172
John Nolt		TROOP 172
Andrew Domyan		Troop 172
2900 buncroce		+ Troop 172
Casey Morgan		troop 172
Brenan Kamrath		troop 172
Adam D. von Marck	5491 Colwell Avenue	Marck Enterprises
Ed Winton	2997 So 600 E	Self
Dan Mack	2540 S Wilton Cir	MAACK ENTERPRISES
Carlos Martinez	3165 So State St.	Car City LLC
Jeremy Hanson	5684 So. Green Street, Murray	Dominion Engineering/Car City
Leslie Jones	235 W. 3680 So	self
Alexandra White	—	city
FRANCIS X LILLY	220 E MORRIS AVE	SSLC CED
MIKE FISINGER	COOPERMAN PROJECT 81001	PRICE INVESTMENTS
BILL ENGLISH	4210 HOLLOWAY DR. 8124	PRICE INVESTMENTS LLC
GARY McDOUGAL	11723 So Highland Oaks	Item # 3
Mont Rosendaal	220 East Morris	Public Assets
Deavis Puy	195 W Colwell	PW
Michael Florence	220 E. Morris Ave	Community Dev.
Chavez Peck	220 E. Morris	Ney's Office