

CITY OF SOUTH SALT LAKE  
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, June 17, 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 Debbie Snow

SERIOUS MOMENT OF REFLECTION/  
PLEDGE OF ALLEGIANCE Council Member Sharla Beverly

SERGEANT AT ARMS Paul McCullough

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

COUNCIL MEMBERS ABSENT:  
LeRoy Turner

STAFF PRESENT:  
Mayor Cherie Wood  
Charee Peck, Chief of Staff  
Lyn Creswell, City Attorney  
Paul Roberts, Deputy City Attorney  
Kyle Kershaw, Finance Director  
Mike Florence, Community and Economic Development Director  
Frank Lilly, Deputy Community and Economic Development Director  
Dennis Pay, Public Works Director  
Sharen Hauri, Urban Design Director  
Craig Burton, City Recorder  
Paula Melgar, Deputy City Recorder

OTHERS PRESENT:  
See attached list

**APPROVAL OF MINUTES**

**May 27, 2015 Work Meeting.** Council Member Rutter moved to approve these minutes.

MOTION: Michael Rutter  
SECOND: Kevin Rapp

Voice Vote:

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

**June 10, 2015 Work 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

**NO ACTION COMMENTS**

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **CITIZEN COMMENTS/QUESTIONS. Tami Diaz, 292 Welby Avenue.** She feels the City needs to help out homeowners with their dead trees and replace them with new trees. The City's needs are not being met. The City is in trouble and it appears the only Council members who care are Council Members Snow and Rapp. She thanked them for representing the residents. Things need to improve at animal control. She is against the sales tax increase for transportation.

**Mykah Travis, 2001 South State Street.** She is representing Salt Lake County's Office of Regional Development. They are hosting a healthy homes day in South Salt Lake at the Columbus Center on Saturday, June 27 from noon to 3:00 p.m. They are bringing together housing agencies that offer either free, or very low cost services to residents to make improvements or repairs to their homes. She encouraged residents to come out to the event.

**Mark Kindred, 3576 South Terra Sol Drive.** He urged support of the alcohol ordinance that is currently before the City Council.

**Sheila Hutchison, 3491 South Citrus Circle.** She is representing a group of very concerned citizens from her neighborhood that met yesterday regarding the possible pending sale of the Granite High School property to a developer who wants to develop it into a 330 plus multi-family residential property. They are

very concerned about it. Currently the property is zoned for single family residential. They realize there will be a change there. They are not adverse to the change but to turn it into more apartments will be a disaster. As the apartments wear down it will be that much more of a problem. The neighborhood can't handle it. The traffic on the streets is already bad. To put 300 new apartments in there will blow them out of the water. They are going to get more organized and they are reaching out to the Council to not change the zoning. If they change the zoning and allow apartments there they are asking for so many more troubles. There is already too much multi-family housing in South Salt Lake. They don't need anymore. Please don't change the zoning.

3. **MAYOR COMMENTS.** Mayor Wood was asked by the Salt Lake Valley Public Safety Answering Point Coalition to put before the Council a request asking through Senator Hatch that he requests about \$3 million dollars for federal funds to help us change over our CAD system. They would like to see which elected officials would be willing to have their names added to this letter. It is petitioning Senator Hatch to seek \$3 million dollars from the Department of Homeland Security. She asked the Council members to respond and let her know if they are willing to have their name being added to the letter.
4. **CITY ATTORNEY COMMENTS.** Deputy City Attorney, Paul Roberts, reviewed election laws for City employees and Elected Officials with the Council. A copy of the memorandum is attached to these minutes and incorporated by this reference.
5. **CITY COUNCIL COMMENTS.** Council Member Gold announced he has withdrawn from the District 1 City Council race. He invited all to come out and vote for the candidate of their choice.

Council Chair Jones explained the City is doing a modified Freedom Festival this year, He hopes to see everyone at the parade and at Fitts Park for the activities and food.

Council Member Snow requested to have the landscaping plan on the median at State Street and Sunset Avenue on the July 8, 2015 Council agenda.

#### **UNFINISHED COUNCIL BUSINESS**

1. **An ordinance amending Chapter 5.08 – Alcoholic Beverages.** Mr. Roberts reviewed the changes that have been made to the alcohol ordinance based on input from the Council at the previous meeting. It allows for transfer of ownership for both Class C and Microbreweries as long as the new applicants take on some responsibilities. If they are going to be in same location they have to upgrade the facility so it looks nicer, is safer, up to fire code, etc. If they are going to move it to a new location, they will have to renovate or demolish the existing place or they could transfer that license into a Class B restaurant license. The work permits for regular employees has changed. Under the old code anyone who had been convicted of a felony was restricted. The new code would allow anyone who has

been clean for five years to get a license. The updates are generally making this more consistent with State Code. The microbrewery category is included. It would allow the City to issue consent for either a State tavern license or a State club license and the City could give consent for that. There are still proximity restrictions so they couldn't give consent if it was within 600 feet of a community location without the Council specifically granting that.

There is also the creation of a Class M license which is for manufacturing where they aren't going to be providing anything on premise for consumption. That is to regulate wineries or distilleries in the City.

The ordinance also includes an increased cap for restaurant licenses by about ten.

Business Licensing will generally be responsible for license enforcement. They will also receive help from police, and potentially other agencies if staff feels a business is not complying with this statute.

Council Member Rutter asked if the code definition was changed from beer to alcohol so there's no differentiation between the alcohol content of the product being sold.

Mr. Roberts explained that under this code breweries would be allowed to brew any type of alcohol they want. If they have a State packaging license then they could also get a Class A license from the City and they could sell for off premise consumption. The current changes for on premise consumption would allow the City to issue a club license which allows them to sell all types of alcohol. It would be a Class MB license. There is a cap of two in the whole City. The City would be able to give consent for them to get a club license with the State. A club license entitles a person to sell any type of alcohol. The purpose is if they have a brewery that wants to sell not only 3.2 beer but also heavier beer they wouldn't be able to do that, or on premise consumption, unless they get a club license. The code, as written now, would allow them to get that club license so they could sell their entire product for on premise consumption.

Council Member Rutter asked if they could sell other people's product as well.

Mr. Roberts answered that they could.

Council Member Snow agreed that there was no actual restriction. They could sell anything. They were making an effort to make sure there were distinctions between an MB and a Class C and she feels with that gone, it lessens the distinction.

Mr. Roberts explained that the reason staff took that out was because they received direction from the DABC saying they regulate the issue of what alcohol can be served so the City couldn't do the restricting. They do have some hours that are different between the MB and Class C. They also require that it be

attached to a functioning brewery. They are hoping that is enough of a distinction. If the State changes its Code the City can change theirs to match it.

Council Member Rapp couldn't see the microbrewery going out and buying other alcohol and bringing it into their place. They want to advertise their own product.

Council Member Snow noticed they didn't put any limit on the manufacturing licenses, where the Class A, B, C and MB have limits of so many per thousand residents. She wanted to know what the rationale was behind that.

Mr. Roberts explained manufacturing establishments don't have the same impact. They don't serve on premise. Staff didn't have any direction to put in a cap. If they want to serve for off premise they would have to get a Class A license and if they want to serve on premise, beside from the tasting, they would have to get a B or a C license. So they have existing caps.

Council Member Gold asked how a transfer of a license would work if someone moved and they were leasing their old location. It's not theirs to renovate or tear down. How would that work?

Mr. Roberts explained they can only transfer if they meet the conditions so they would have to work something out with the owner.

Council Member Snow agreed, she thinks it problematic.

Mr. Roberts explained that the policy behind that was staff doesn't want them leaving behind and old bar dive that can't be used by anyone else. That is something the Council could leave in the code and see if anyone is actually interested. Maybe it will be something that is never used or staff could bring back an amendment or the Council could strike it.

Council Member Gold feels they are on the right path.

Council Member Snow is alright with it.

Council Member Gold feels this new code will give incentive to owners to renovate because now their license adds value to their business if they were to sell.

Council Member Snow had a concern on the five year post felony conviction. Previously, they had a lifetime bar and now, five years after a conviction, you can be the holder of an alcohol license. She would be more comfortable if it was a longer period of time.

Mr. Roberts explained that in order to be an owner or manager, you can't have any felonies on your record at all. This is just in regards to employees who aren't owners or managers.

Council Member Snow was fine with that understanding.

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	Nay
Snow	Aye
Turner	Absent

2. **A resolution supporting the HB 362 (2015) authorized 0.25% local option general sales tax dedicated to transportation, encouraging Salt Lake County to submit the proposal to voters in November 2015 and encouraging voters to support the proposal.** Public Works Director, Dennis Pay, explained that the resolution is in support of the local option sales tax portion of HB 362 and would impose a 0.25 percent increase for transportation. UTA would receive 0.10 percent and 0.10 percent would go to cities and towns and 0.05 percent would go to counties. This has to be approved and put on the ballot by the County Council and approved by the voters before it would go into effect. This resolution states that the City Council supports the local sales tax option of the bill and encourages the County to put it on the ballot.

Council Member Rutter moved to approve this resolution.

MOTION: Michael Rutter

SECOND: Sharla Beverly

Roll Call Vote:

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

**NEW COUNCIL BUSINESS**

1. **Land use ordinance amendment enacting an ordinance regulating solar energy systems.** Deputy Community and Economic Development Director, Frank Lilly, reviewed a presentation with the Council. A copy is attached to these minutes and incorporated by this reference.

Council Member Rutter moved to put this item on Unfinished Business on the July 8, 2015 City Council meeting.

MOTION: Michael Rutter

SECOND: Kevin Rapp

Roll Call Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Aye

Turner Absent

- 2. **Land use ordinance amendments to the commercial and residential land uses and definitions chapter.** Mr. Lilly reviewed the staff report with the Council. A copy is attached and incorporated by this reference. Mr. Lilly explained that this is to help clarify the City’s intent and address some things staff has learned along the way as they have implemented this code.

In regards to Pawn Shops Council Member Rutter asked if they want pawn shops in TOD areas.

Council Chair Jones said he doesn’t want pawn shops to have any flexibility. South Salt Lake has been known so long for the bars, the sex strip clubs and pawn shops. The less of those they have the better; and the more restricted use the better.

Council Members Rapp and Snow agreed.

The Council requested that pawn shops not be allowed in the TOD areas.

Mr. Lilly said he would make that change.

Council Member Rutter moved to strike the pawn shop and put this item on Unfinished Business on the July 8, 2015 City Council meeting.

MOTION: Michael Rutter

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 to Closed Meeting to discuss strategy for the sale, purchase, exchange or lease of real pursuant to Utah Code Annotated, 1953 as amended, Sec. 52-4-204 and Sec. 52-4-205(1)(d) and (e) property and attorney client communications.

MOTION: Ryan Gold  
SECOND: Sharla Beverly

Voice Vote:

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

The Council adjourned to Closed Meeting at 8:23p.m.

In accordance with U.C.A. Section 52-4-206, 1953, as amended by Chapter 180, Laws of Utah, 1987, as amended, a recording was made of the Closed Meeting held to discuss the sale, purchase, exchange or lease of real property and attorney client communications. Such recordings are protected records under Title 63, Chapter 2, Government Records Access and Management Act.

Closed Meeting ended at 8:36 p.m. Council Members returned to Council Chambers.


Council Member Beverly moved to adjourn.

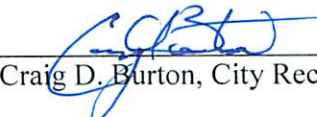
MOTION: Sharla Beverly  
SECOND: Kevin Rapp

Voice Vote:

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

The meeting adjourned at 8:37 p.m.

  
Irvin H. Jones, Jr., Council Chair

  
Craig D. Burton, City Recorder



