

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, August 12, 2015
7:00 p.m.

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

PRESIDING Council Chair Irvin H. Jones,
Jr.

CONDUCTING: Council Member Kevin Rapp

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Michael Rutter

SERGEANT AT ARMS Bill Hogan and
Paul McCullough

COUNCIL MEMBERS PRESENT:
Sharla Beverly, Ryan Gold, Irvin Jones Jr., Kevin Rapp,
Michael Rutter and LeRoy Turner

COUNCIL MEMBERS EXCUSED:
Debbie Snow

STAFF PRESENT:
Mayor Cherie Wood
Charee Peck, Assistant Mayor
Lyn Creswell, City Attorney
Hannah Vickery, Deputy City Attorney
Kyle Kershaw, Finance Director
Mike Florence, Community and Economic Development Director
Frank Lilly, Deputy Community and Economic Development Director
Sharen Hauri, Urban Design Director
Craig D. Burton, City Recorder
Paula Melgar, Deputy City Recorder

OTHERS PRESENT:
See attached list.

APPROVAL OF MINUTES

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

MOTION Sharla Beverly
SECOND Roy Turner

Voice Vote:

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

July 22, 2015 Regular Meeting. Council Chair Jones moved to approve these minutes.

MOTION	Irvin H. Jones, Jr.
SECOND	Ryan Gold

Voice Vote:

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

NO ACTION COMMENTS

1. **SCHEDULING.** The Deputy City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.

2. **CITIZEN COMMENTS/QUESTIONS. Tammi Diaz, 292 E. Welby Avenue.** She expressed concerned about the City’s high taxes and crime rate.

Jeff Breglio, 234 East 2100 South. Item four on the agenda is his but he can’t stay. He asked the Council if they have any questions.

The Council did not.

Ed Winter, 2992 South 600 East. He express concerned with the \$13,000,000 bond proposal. He didn’t vote for the previous bond for Granite High because there wasn’t any clear idea of what would be there. The City needs to let the people know exactly what is going to be there. He wants to know exactly what the City is going to spend the money on. He also mentioned a water fountain that isn’t working at Fitts Park and asked that it be repaired.

Vincent Bath, 3472 Park Meadows Street. He expressed his gratitude for what the Council does. The citizens have the right to decide on the bond so he is glad they are considering putting it to a vote. He asked that the City talk with the business owners in the City on how they feel about the bond. He

asked if they could find some way to mitigate the bond tax on the people who run businesses in the City.

Nancy Aruscavage, 3478 South 500 East. She is in favor of the bond. They need to save parks and open space. It's about looking to the future.

Delon Curtis, 588 Leland Avenue. He is in favor of the bond. He hates to see homes come into the Granite High area. He and his wife liked to walk around the track and the grounds.

Travis Madsen, 3537 South 500 East. He supports the bond. He would like to see the City be prepared to utilize opportunities. If the opportunity arises to be able to take advantage of some green space, he would love to have the City in a position where they can take advantage of it.

Council Member Rapp reiterated that the bond they will be talking about tonight is not necessarily about Granite High School. There seems to be a lot of misconception out there that Granite is available and at this point in time it is not.

3. **MAYOR COMMENTS.** Mayor Wood responded to a couple of news articles that were published last week. There is a response to one on the website. A lot of people come to South Salt Lake to work. The nighttime population is about 24,000 people but during the day the City serves 75,000 plus people.

She also reported that the Promise South Salt Lake Department was featured in the National Afterschool Policy/Advisor Newsletter this last month. They are being recognized on a national level for the work of Promise.

4. **CITY ATTORNEY COMMENTS.** City Attorney, Lyn Creswell, thanked Paul Roberts for all that he has done for the City of South Salt Lake. He has accepted an offer to work for the City of Syracuse as their city attorney. He introduced the new Deputy City Attorney, Hannah Vickery.
5. **CITY COUNCIL COMMENTS.** Council Member Beverly thanked the Recreation Department for the great job they do. She also mentioned that the drinking fountain at Fitts Park is on the radar and being addressed.

Council Member Turner expressed his appreciation for Mr. Roberts and the work he has done for the City and welcomed Ms. Vickery.

Council Chair Jones, in referencing recent news articles about the City, explained that it depends on how facts are presented, what facts are chosen to be presented and how they are manipulated and you can get any number you want. Salt Lake City had the same problem as South Salt Lake as far as how the Utah Taxpayer's Association presented their findings and their inadequacies.

He thanked the Promise volunteer youth who helped find a lost little girl at the Freedom Festival. It was fun to see them jump into action.

Council Member Gold appreciated the Mayor’s prompt rebuttal to the news articles. You can make any story out of any number. This is a very good City. He also thanked Paul Roberts and wished him the best in his new job.

Council Member Rutter said the facts given by the Utah Taxpayers association were true but they were misleading. He invited readers to do their research. They did not treat South Salt Lake or other cities like us in facts that people will understand.

Council Member Rapp thanked Paul Roberts for his service with the City. There was a rally last Saturday protesting the closure of Burton and Truman Avenues. He feels that is part of the democratic process. It’s a way the citizens can get involved in their community.

ACTION ITEMS

CONSENT AGENDA

- 1. A resolution granting permission for the Police Department to appropriate certain property in its possession to public interest use.**

Council Member Rutter moved to approve the Consent Agenda.

MOTION Michael Rutter

SECOND Sharla Beverly

Roll Call Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Absent

Turner Aye

UNFINISHED COUNCIL BUSINESS

- 1. Consideration of a resolution providing for the holding of a special bond election on November 3, 2015, for the purpose of submitting to the qualified electors of the City of South Salt Lake, Utah the question of the issuance and sale of General Obligation Bonds of the City in an amount not to exceed \$13,000,000; declaring official intent with respect to certain expenditures; and providing for related matters.** City Attorney, Lyn Creswell, advised the Council that this resolution, if approved, places the bond proposition on the ballot and also establish other procedural requirements regarding informing the public, public hearings and other things that are going to occur. He said Council Member

Rapp had asked him why some of the public process occurs after the Council makes their decision to place this on the ballot.

Bond Attorney, Ryan Bjerke, of Chapman and Cutler LLP, explained that the reason it is that way is because that's the way the statute lays it out. There are certain deadlines and things that have to be met and public hearings that have to be held and the date those can be held are specified by statute. The first thing that has to happen is they have to file their ballot proposition with the Lieutenant Governor's Office and with the election officers seventy days before the election. Everything else comes after that. The legislature has determined that the public hearings come closer to the election date rather than the decision to actually hold an election.

Council Member Rutter said some people have asked why they are voting to spend thirteen million dollars on something they have no clue what they are doing.

Urban Design Director, Sharen Hauri, said they have created a Master Plan and that is how cities do strategic planning and long term planning. So, they do have a plan. There are a lot of options on the plan and they would like citizens to come back later and give the City their opinions. The basic question is, does the City want to invest in this type of service, amenity and quality of life for the residents. That's the basic question and point of the Master Plan.

Mr. Bjerke explained that the City has the opportunity, at any time within a ten year period, to issue bonds up to the thirteen million dollars. They don't have to issue them all at once, but they have ten years where that authorization is valid. After the ten years, if they haven't issued the bonds, it goes away. The way the bond is structured, they have twenty-one years to pay them off. The bonds can be issued multiple times. It doesn't have to be one bond issuance; it could be over a number of years, so there are different ways it can happen. The current plan would be that they would be outstanding for twenty years.

Council Member Rutter reiterated that the City is obtaining a line of credit with a bonding company that says they have thirteen million dollars to spend the first day they get or the last day of ten year on one project or multiple projects. The projects would come to the Council and they would get input from citizens on which projects they like between the beginning of the bond or the last day of the ten years.

Mr. Bjerke explained they are not really getting a line of credit from a bond company, they are getting a line of credit from the citizens who are saying, "You are authorized to go out and finance park, recreation and open space for our community because we value this," if they so authorize it. Before they issue bonds it does come before the Council each time. Once you go forward with the bonds you will be more specific on what they are actually financing. It has to be approved by the Council.

Council Member Rutter said first, Sharen Hauri would come before the Council and say they have a project worthy of consideration and here's the dollar amount and here's what it would provide for the City. It comes to the City with input from the citizens and it comes to the Council and they say yea or nay and then they have that line of credit to purchase the project.

Ms. Hauri listed a number of ways they can get input from the community. She wants to reassure people that most cities do come up with a more formal way than just making it up.

Mr. Creswell said he doesn't think there's a better positioned than South Salt Lake's because of what they just went through with the master planning process. They engaged the community. The Master Plan is very detailed. It doesn't direct what they are going to do but it clearly provides specific opportunities that could be available to them. It puts a forty million dollar amount in there. They are not asking for forty million, but thirteen million. The purpose for that is that they expect to leverage the thirteen million to get more than that in value because of the partnerships with the County and other things. They know exactly what they are doing. They have a plan. They have talked to the community about it. The Plan, if read by the citizens, would give them a very clear idea. At the end of the election process it is the City's expectation that they talk to the public, have a series of public meetings and outreach to narrow the scope of what they are trying to do and identify particularly the projects, or properties that they want to invest in.

Council Member Jones said that people could get a copy of the Master Plan on the website. The resolution they are considering tonight is not that they buy it. It is only that they put it on the ballot so that the residents can decide whether or not they want to buy it. Should the Council want to take that power they could raise the property taxes, they could bond for the money but the City Council doesn't want to take that responsibility on that kind of a major project. They want the citizens to decide if they want to spend thirteen million on green space. That's what they are deciding tonight.

Council Member Rapp read the language from the resolution saying, "The purpose of the bond is for the purpose of acquiring, improving, extending parks, open space, trails, recreation facilities and related facilities." He asked what related facilities meant.

Mr. Bjerke advised that related facilities would be the support structures at parks such as parking space, sidewalks and restrooms. Some might not think it is open space but it is needed for those projects.

Council Member Rapp asked if they could buy a fleet of park maintenance vehicles. What else could they do with that?

Mr. Bjerke said he didn't think they could do that. It would not be parks, recreation and open space. That would be maintenance.

Ms. Hauri advised that they have pretty specific bond language on what the State statute says you can spend these on and it's very limited to capital improvements.

Council Member Rapp said they do have a Master Plan and he likes that. However, it has at least ten different spots outlined and yet the Council hasn't set any priorities on any of them. Why couldn't they do that? It would give the citizens a distinct impression as to what they are going to do. It hasn't been done. They are just asking for thirteen million dollars to do at their discretion. He realizes that sometimes opportunities come up that are not anticipated, but they already have a bunch of items that they could put as possible priorities. It doesn't lock them in that they have to do it, but it at least gives the citizens the right to say, "Okay, we can get green space in District 1, District 4 or District 2," and not just in one spot, or whatever. They are hoping citizens will come and give their opinions in the hearings but, he thinks it is basically like a blank check. He doesn't like those kinds of bonds.

Ms. Hauri said as far as the Master Plan goes it is at the Council's discretion. The Master Plan is a template of what she would like to suggest but she doesn't try to set priorities for the Council. That's how the budget works, they try to set priorities. If that's a step they would like to take they should discuss that.

Council Member Rapp said he was asking the City Council why they aren't setting priorities.

Council Chair Jones answered that part of it is the timeline. They have deadlines by statute. They have to pass this resolution before they can put it on the ballot. Should the Council decide to put it on the ballot, then they have the luxury, between now and the election, to define those goals and hold the outreach meetings. By the first or second public hearing they can say this is what they are hearing from the public outreach. But, right now the clock is ticking.

Council Member Beverly said when they went through the Master Plan for parks and green space they didn't discuss priorities because, at that point, they had no funding. That is the whole point of the bond is to provide them with funding and then they can prioritize.

Mr. Creswell advised the Council that if they identified five specific projects that were going to be represented to the public as targets of the funding and the bond passes and one or more of those are not available he thinks they may have limited themselves in being able to take advantage of other opportunities. Under the law they have to be very careful in what they inform the public because whatever they inform the public has some constraints going forward.

Mr. Bjerke explained that the statute requires that they generally describe the purpose for the bonds; they don't necessarily have to get specific just to avoid that problem of tying your hands. Also, so they don't create a situation where they have a property owner who now knows that they are coming after their land so they can then raise the price. They have a general description for that purpose.

They now can go in and list their priorities and when they communicate with the public they say, “At this point in time we think these are the priorities that we have for this bond money and we think if these opportunities are there this is what we would like to go forward with, understanding that if it doesn’t come to fruition we may change, as long as we fit within the general outline that is in the ballot proposition.”

Council Member Rutter asked if this was common practice and what other cities do. They aren’t doing anything contrary bonding for thirteen million and asking the citizens to vote for it before they announce or decide what projects they are going to use the money for.

Mr. Bjerke said often they will see the general idea of what they are doing and the public has to understand that it may change going forward when they actually issue the bonds.

Ms. Hauri said ZAP does it that way. They don’t give very specific things. She knows the City of Boise is doing a bond this fall and they didn’t give any specifics either. It’s happen in this valley many different ways.

Council Member Rapp reminded those in attendance that the bond is a property tax increase with an expiration date. He has one concern which is the 2016 budget season which hasn’t completely come to fruition yet. There are good indicators that they won’t be short on the 2016 budget but, there’s still the possibility that they might and how do they pay for that? If they do the bond and increase property taxes, and then fall short on the 2016 budget, they will have to increase property taxes a second time.

Council Member Gold wanted to make it clear that the Council isn’t doing the bond, the public will vote on it. The Council is not raising taxes or passing the bond at this level.

Council Chair Jones reminded everyone that if the bond passes taxes do not increase unit they draw down on the bond. In the event they have a budget shortfall that means that they postpone the bond or don’t use the full proceeds.

Council Member Rapp agreed, it’s not the Council deciding the bond, it’s the public.

Council Member Gold said the City has a great staff at making the most out of any project. If there’s any way the City can get a match on what it puts in, they will do it. He has full confidence they will. Because of this, they could possibly get more than the amount of the bond.

Mr. Creswell advised the Council that staff is putting a public information piece together. A centerpiece of that education is the leverage value of this money and they make a point to explain that the money will be leveraged against other opportunities. It doesn’t bind them and make a legal requirement but once

approved, the Council could make it a condition of their issuance. In informing the public they say they are going to leverage limited dollars for a variety of community services. So, that is at least an expectation they will put out as they inform the public on what they are going to do with the bond.

Council Member Rapp asked if the County is only going to help if the park is a certain size.

Ms. Hauri said it's a little bit of a moving target because the County has been trying to figure that out themselves. The latest version she has says they are not paying for buildings such as a recreation center, or land, but they will pay for park improvements. Local parks are okay too as long as there are some substantial new recreation benefits. They weren't really interested in the parking lot per se. The City would need to own property in order to apply for something. The County is not interested in buying much property. They are looking for people who are already bringing something to the table.

Council Member Rapp asked if the park had to be a certain size for the County to participate.

Ms. Hauri said she didn't think so. A while ago they were looking for regional parks but the next conversation was they would probably consider some local parks. She thinks they are realizing they don't have that many regional park opportunities in the neighborhoods they are targeting. When you look at South Salt Lake, the County hasn't invested much here and what do we have that they could build a really big park on? They have seen that in a couple of neighborhoods where they have said, "That community deserves something too" and if it comes down to a nice splash pad or a nicer amenity in a smaller park, as long as it is something that is a bigger draw and a more unique feature, she doesn't think it matters what size park it is in.

Council Member Beverly moved to approve this ordinance.

MOTION Sharla Beverly

SECOND Mike Rutter

Roll Call Vote:

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

2. **An ordinance vacating a portion of Utopia Avenue, public right-of-way of land located in a parcel of land lying within Lots 10 and 11, Block 40, Ten Acre Plat "A", Big Field Survey in Salt Lake City, Salt Lake County, Utah.** Community and Economic Development Director, Mr. Florence, advised that the

property purchase agreement for Pearson Tire has a sentence that states that access will remain open for Pearson Tire as long as they are the seller of the property. This would allow them to continue to have access to their property.

Council Member Gold moved to approve this ordinance.

MOTION Ryan Gold
 SECOND Michael Rutter

Roll Call Vote:

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

3. **A resolution approving and adopting a new Consolidated Fee Schedule.** Former Deputy City Attorney, Paul Roberts, advised the Council of a couple of change that had been made since the first reading in the last meeting. In the Fire Marshal fee, the square footage calculation was removed and now there is a flat fee for different categories of different sized buildings. A couple of other fees were moved from one grouping to another but the fee wasn't changed. He suggested they could talk about the Good Landlord fees now or at a later time.

Council Chair Jones suggested that they hold a work meeting on September 2 to discuss the Good Landlord fees.

Council Member Rutter moved to approve this resolution.

MOTION Michael Rutter
 SECOND Roy Turner

Roll Call Vote:

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

4. **A petition to the South Salt Lake City Council to amend the Professional Office District Standards, Chapter 17.13.090 of the South Salt Lake Municipal Code to allow the conversion of single family homes to a commercial office.** Mr. Florence advised that staff has included a number of items in the ordinance that would be required for the conversions. The Planning Commission gave the Council a recommendation removing the requirement that the residential character of the building on the exterior shall be maintained. They

didn't have a lot of discussion on that at the last meeting. He's not sure how the Council feels about that so he prepared two ordinances tonight. One with that recommendation left in the ordinance and one with it taken out. Mr. Florence is more comfortable keeping the residential character in the ordinance.

Council Member Beverly moved to approve this ordinance keeping the residential character of the building in the ordinance.

MOTION Sharla Beverly

SECOND Roy Turner

Roll Call Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Absent

Turner Aye

5. **A petition to the South Salt Lake City Council to amend the zoning from R-1 Single Family Residential to Commercial Corridor for the property located at 131-139 East 3185 South.** Deputy Community and Economic Development Director, Frank Lilly, advised that they have discussed this item before in the form of a general plan amendment which passed so the applicant is coming to the Council requesting a zoning amendment that would convert the site of a former dilapidated home at 135 East 3185 South to allow the dealership that is adjacent to it to expand into that site which requires a zone change. Should the zone change be granted they would still have to come and get design review approval from the Planning Commission to expand the dealership in a way that is compatible with the surrounding neighborhood. This is strictly for the zone change.

Council Member Rapp firmly believes this is a lot by lot intrusion of business into residential neighborhoods and he feels strongly against it.

Council Chair Jones said there is a tall metal fence that has been installed about a week ago, cars were being parked there and so the property is encroached whether it is approved or not. He asked if they disapprove this ordinance what action happens with the R-1 zoning on that property that already has a tall fence around it and cars parked on it.

Mr. Lilly said they would communicate the disapproval back to the applicant who has been made aware by staff about what the requirements are for the fence and for parking vehicles. It would just be a matter of the City taking enforcement action. Even if the zone changes they can't expand until they get the design review approval and a site plan.

Council Member Rutter moved to approve this ordinance.

MOTION Michael Rutter

SECOND Sharla Beverly

Roll Call Vote:

Beverly Aye

Gold Aye

Jones Nay

Rapp Nay

Rutter Aye

Snow Absent

Turner Aye

Mayor Wood recognized Samuel Lilly for working helping an elderly resident do a complete makeover of her property for his Eagle Project. It has really meant a lot to the resident. She thanked him for his service.

Council Member Turner moved to adjourn City Council meeting.

MOTION Roy Turner

SECOND Sharla Beverly

Voice Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

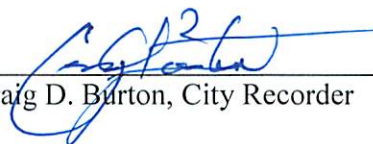
Rutter Aye

Snow Absent

Turner Aye

Meeting adjourned at 8:17 p.m.


Irvin H. Jones, Jr., Council Chair


Craig D. Burton, City Recorder

12-Aug-15

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Codie Massey	3537 S 500 E	Self
Nancy Anuscaavage	2478 S. 500 E.	Self
Johnny McConnell	3681 so. Lincoln Park	Self
Ann A. Thomson	357 E. Garden Cir.	Self
Shelly Norr	3162 S. Park Ct	SELF
Steve Norr	3162 PARK CT	SELF
FRANCIS LILLY	220 E MORRIS AVE	CED
Royal DeLeon		SALT LAKE COUNTY HEALTH
Ed Winton	2992 SO 600 EAST	SELF
JEFF BRECHID	234 E. 200 S.	SELF
Damian Diaz	292 W. C. Hwy Ave	SELF
Vincent Bath	3472 Park Meadows St.	self
Sharanthauri	220 E. Morris Ave	SSL Urban Design
Charmaine Peep	220 E Morris	Mayor's office
Samuel Lilly	160 E. Vidors Ave	Self
Deborah ^{CURTIS} Karen	588 E. Island Ave	Self
Ryan Bjeurke		Chairman and better LLC
Leslie Jones	235 W. 3680 So	self
Mitae Florence	220 E. Morris Ave	SSL Comm Dev.
Paul Roberts	1979 W 1900 S, Syracuse	Syracuse City
Hannah Vickery	220 E. Morris Ave	SSL City Attorney
Merili Carter	4325 So. 615 E Salt Lake 84107	self / Granite High Alumni Association
Edgardo Martinez	3165 So State Street	at 2