

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, September 21,
2016
7:00 p.m.

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

PRESIDING Council Chair Deborah A.
Snow

CONDUCTING: Council Member Pender

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Shane Siwik

SERGEANT AT ARMS Ryan Cram

COUNCIL MEMBERS PRESENT:
Portia Mila, Ben Pender, Kevin Rapp,
Shane Siwik and Debbie Snow

Portia Mila participated electronically via telephone.

COUNCIL MEMBERS EXCUSED:
Sharla Beverly and Mark Kindred

STAFF PRESENT:
Mayor Cherie Wood
Charee Peck, Chief of Staff
Hannah Vickery, Assistant City Attorney
Kyle Kershaw, Finance Director
Mont Roosendaal, Public Assets Director
Michael Florence, Community and Economic Development Director
Frank Lilly, Deputy Community and Economic Development Director
Craig D. Burton, City Recorder
B.J. Allen, Information Technology

OTHERS PRESENT:
See attached list.

APPROVAL OF MINUTES

August 24, 2016 Work Meeting. Council Chair Snow moved to approve these minutes.

MOTION Debbie Snow
SECOND Kevin Rapp
Voice Vote:
Beverly Absent
Kindred Absent
Mila Yes
Pender Yes
Rapp Yes
Siwik Yes
Snow Yes

September 7, 2016 Work Meeting. Council Member Rapp moved to approve these minutes.

MOTION Kevin Rapp
SECOND Debbie Snow
Voice Vote:
Beverly Absent
Kindred Absent
Mila Yes
Pender Yes
Rapp Yes
Siwik Yes
Snow Yes

September 7, 2016 Regular Meeting. Council Chair Snow moved to approve these minutes.

MOTION Debbie Snow
SECOND Shane Siwik
Voice Vote:
Beverly Absent
Kindred Absent
Mila Yes
Pender Yes
Rapp Yes
Siwik Yes
Snow Yes

NO ACTION COMMENTS

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

- 2. CITIZEN COMMENTS/QUESTIONS. Tami Diaz, 292 East Welby Avenue.** She supports not evicting veterans. They need their hobbies to survive. If they are evicted, the suicide and crime rates go up. It would be wrong to evict them.

Jeff Silvestrini, 3400 South Crestwood Dr., Millcreek. He is the presumptive Mayor of the City of Millcreek. Due to unfortunate circumstances his opponent had to withdraw. He is excited about Millcreek becoming a City and about the prospect of working with South Salt Lake.

- 3. MAYOR COMMENTS.** None.
- 4. CITY ATTORNEY COMMENTS.** None.
- 5. CITY COUNCIL COMMENTS.** Council Chair Snow asked if the Police Department has self-defense classes.

Mayor Wood advised that they do for children but not currently for adults.

- 6. COUNCIL ATTORNEY COMMENTS.** City Council Attorney, Doug Ahlstrom, advised the Council that he has been working on the Animal Services RFP. He will be meeting with staff next week to finalize it. He received a letter of interest from Salt Lake City Fire for Fire Services and has passed it on to the Council. It is the only letter he has received to date.

He will get with Council Member Beverly to get more information for the food truck ordinance and then will start working on that. He will be meeting with Storm Water Manager, Corby Talbot next week to work on the storm water ordinance and is also working with staff to repeal an offending line in the alcohol ordinance.

ACTION ITEMS

NEW COUNCIL BUSINESS

- 1. Gateway West Presentation.** Community and Economic Development Director, Mike Florence and Deputy Community and Economic Development Director, Frank Lilly reviewed a presentation with the Council. A copy is attached and incorporated by this reference.

Mr. Florence reminded the Council that a few months ago they asked staff to look for additional locations where they could locate more single family homes in the community. Staff identified a few places and wanted to start holding neighborhood meetings and researching those areas a little further to see if they worked out for single families.

The first area they started on was between 900 West and the Jordan River along 3300 South. They held a neighborhood meeting in the summer and got some good feedback from the neighborhood. To make changes would require a General Plan amendment, a zoning map amendment, and possibly some ordinance amendments as well. It is staff's hope to get some feedback from the Council tonight, then they would like to go back out to the neighborhood and get their feedback and then start on any direction the Council has.

Council Member Siwik asked if the west side of 1000 West was under contract with something that is coming before the City.

Mr. Florence advised that there is no application. He has talked to a gentleman who says he has the property under contract but he has not submitted any application or concept plan. It has all been verbal discussion.

Council Member Siwik asked if there was any commercial agriculture allowed in the Agriculture Zone.

Mr. Florence said there is a tree nursery business there but not any animal or livestock businesses. There has not been an ability to do commercial agriculture there for a long time.

Mr. Lilly advised that the intent of the zone, as it is currently written, is to be an agricultural/residential zone. The uses are intended to be less intense and in close harmony to residential uses as well.

Council Member Rapp said he does not want apartments anywhere in there.

Council Member Pender asked what kind of businesses they would attract in a strip mall by the jail.

Mr. Florence said a good example is the strip mall on 3300 South and State Street. What goes in there will be up to the Council. They can designate what types of uses they want in the Gateway West Zone. The bigger question is how does the Council feel about the five acre minimum requirement? Do they like it or do they want to change the zoning to smaller minimum lots sizes for commercial to try to incorporate a more master plan type development?

Council Member Siwik asked how many acres are currently in the Gateway area from 900 West to 1000 West.

Someone in the audience said it was about eight acres.

Mr. Florence thought that was about right.

Council Chair Snow felt they should maintain the five acre minimum from 1000 West to Jordan River but she would be open to dropping it between 900 West and 1000 West. She is in favor of having nothing but single family housing between 1000 West and the Jordan River. She also likes the 6,000 foot lots and would not be opposed to wrapping the commercial around 900 West. She doesn't like any of the plans that move into higher density with apartments or townhomes.

Council Member Rapp agreed with Council Chair Snow.

Council Member Pender agreed as well. They set out to look for some locations for single family homes and he feels they should stick with that plan.

Council Member Rapp likes the larger lots as well.

Council Member Pender opened the meeting for public comment on this item.

Cindy Jones, 3492 South 1000 West. She hates everything about every one of the plans shown tonight. The A-1 zone is not a part of the Gateway Overlay, yet in the presentations it has been done away with. She wondered why the Council is addressing this.

Council Member Pender explained that the Council asked staff to identify areas throughout the City where, in the future, they could potentially put single family homes. They have not been approached by a developer; they are just trying to locate areas that could sustain family homes.

Ms. Jones said the people who have been in the area forever, and want to stay, are going to be stuck with whatever the Council decides to put there. She is very frustrated.

Council Member Siwik advised that there are still certain things allowed by the Gateway Overlay Zone. If the Council changes it to single family only, it will preclude developers from being able to do commercial, townhomes, or something else. If they don't share the vision with the development community they will be subject to things that are allowed currently in the Overlay Zone. If someone comes in the next six months saying they want to build commercial and townhomes the Council is likely bound to it because it is within the language of what it allowed in the zone.

Mr. Florence agreed.

Elaine Jones, 2419 South 1000 West. The jail is not where she would move with a young family. She wouldn't want to be within a block of Valley Mental Health. There is not a grocery store in the area. The school being built in the new addition on the UTA ground won't be big enough because they have apartments upon apartments in the UTA ground. They are not rented yet and

she thinks the City should focus on that. There are no stores, malls, or anything within walking distance. If she had a young family this is not where she would move.

Chris Ringel, 3360 South 1000 West. The plans are offensive to him. He feels cramming in 6,000 square foot lots is too tight. He would like to see bigger lots with a potential to have some agriculture and space. That is why he moved there. He does feel expanding the park is a good idea.

Cindy Jones, 3492 South 1000 West. She wants to know what the next step in the plan is and if the residents will receive a notice.

Mr. Florence explained that staff will adjust the plan based on the feedback they have received from the Council tonight. Then, they will take the plan back to the neighborhood for comment. Notify the neighborhood, report back to the Council one more time and then schedule a public hearing with General Plan and zoning amendments if that is the direction the Council would like to go.

Council Member Siwik suggested changing the Overlay zone development size down to two acres and minimum lot size down to 4,500 feet. Decrease the Agriculture zone to 10,000 feet, or a quarter acre lot, so they maintain the Agriculture zone and still have the same uses.

Council Chair Snow doesn't feel they would be changing what current owners can do with their property.

Mark McCleane, 3509 South 1000 West. He asked how long current property owners will be able to do what they currently do on their property.

Mr. Florence explained that a person can apply for a non-conforming use determination. A certificate is recorded on the title of the property so future councils and planners all know that the non-conforming grandfathered use is recorded on the title of the property.

Mr. McCleane said the City told them they would be left alone and now they are looking at this. He asked if the proposals shown tonight encroach onto the Jordan Parkway.

Mr. Florence said it does not.

Mr. McCleane said he would like the property left as it is.

Council Member Siwik said that the area is not going to stay the way it is. Someone will assemble five acres and will probably bring something less desirable than single family homes that the Council will be under legal obligation to approve, because it is currently allowed in the Overlay Zone.

Council Member Pender asked if it would be better to be able to say, “This is what we would like to see” versus “we’re going to be stuck with this and it is too late to turn back.” That is why they want the homeowners involved; they want to work together on this rather than have somebody giving them something they are going to be stuck with and no one will be happy with.

Council Member Siwik moved to place this item on Unfinished Council Business on the October 12, 2016 council meeting.

MOTION Shane Siwik
 SECOND Kevin Rapp
Voice Vote:
 Beverly Absent
 Kindred Absent
 Mila Yes
 Pender Yes
 Rapp Yes
 Siwik Yes
 Snow Yes

2. **Discussion regarding future use of Historic Scott School.** Council Chair Snow advised that because there is litigation still pending they have decided to forgo this discussion tonight.

Council Chair Snow moved to place this item on New Council Business for a yet to be determined date in the future.

MOTION Debbie Snow
 SECOND Kevin Rapp
Voice Vote:
 Beverly Absent
 Kindred Absent
 Mila Yes
 Pender Yes
 Rapp Yes
 Siwik Yes
 Snow Yes

3. **Discussion regarding administrative law judge matters.** Council Member Rapp said he would like to change the municipal code so that any ethics violation would go to an administrative law judge outside of the City so it would be an unbiased situation.

City Council Attorney, Doug Ahlstrom, explained that the Mayor, with advice and consent of the Council, appoints the administrative law judge. An additional role he fills is acting as the ethics commission. If any allegation is filed against the Mayor or the City Council then that ALJ is required to hear

the case against those who have appointed him.

Council Member Rapp said he wants somebody who is outside the City to act as the ethics commission.

Mr. Ahlstrom explained that the State has set up a State Ethics Commission and made it available to the municipalities or they can create their own. He thinks that is why South Salt Lake decided to create their own commission.

Assistant City Attorney, Hannah Vickery, said the ethics rules are under State Law so she thinks State Law would govern in this situation.

Council Chair Snow agrees that there could be a conflict of interest. She would like the accused person to have confidence that the commission could adjudicate the case fairly. She suggested they research if they could use the State Ethics Commission. There is no question that they are unbiased.

Mr. Ahlstrom said he would investigate that and get back to the Council.

Council Members Pender and Rapp agreed it would be good to have the State Ethics Commission hear any ethics issues.

Council Member Mila requested that the current ordinance be put in Drop Box so the Council could review it.

The Council agreed to have Mr. Ahlstrom move forward and research the issue and draft an amendment and bring it back to the Council.

Council Member Rapp moved to place this item on Unfinished Council Business on the October 10, 2016 meeting.

MOTION	Kevin Rapp
SECOND	Debbie Snow

Voice Vote:

Beverly	Absent
Kindred	Absent
Mila	Yes
Pender	Yes
Rapp	Yes
Siwik	Yes
Snow	Yes

Council Chair Snow moved to adjourn.

MOTION	Debbie Snow
SECOND	Kevin Rapp

Voice Vote:

Beverly	Absent
Kindred	Absent
Mila	Yes
Pender	Yes
Rapp	Yes
Siwik	Yes
Snow	Yes

The meeting adjourned at 8:30 p.m.


Deborah A. Snow, Council Chair


Craig D. Burton, City Recorder

