

**CITY OF SOUTH SALT LAKE  
CITY COUNCIL MEETING**

<b>COUNCIL MEETING</b>	<b>Wednesday, June 7, 2017 7:07 p.m.</b>
<b>CITY OFFICES</b>	<b>220 East Morris Avenue South Salt Lake, Utah 84115</b>
<b>PRESIDING</b>	<b>Council Chair Ben Pender</b>
<b>CONDUCTING:</b>	<b>Johnny McConnell</b>
<b>SERIOUS MOMENT OF REFLECTION/ PLEDGE OF ALLEGIANCE</b>	<b>Shane Siwik</b>
<b>SERGEANT AT ARMS</b>	<b>Amanda Gencarella</b>

**COUNCIL MEMBERS PRESENT:**  
Sharla Beverly, Mark Kindred, Portia Mila, Johnny McConnell,  
Ben Pender, Kevin Rapp and Shane Siwik

**STAFF PRESENT:**  
Mayor Cherie Wood  
Hannah Vickery, Assistant City Attorney  
Kyle Kershaw, Finance Director  
Dennis Pay, City Engineer  
Mike Florence, Community & Economic Development Director  
Frank Lilly, Deputy Community & Economic Development Director  
Alexandra White, City Planner  
Mont Roosendaal, Public Assets Director  
Sharen Hauri, Urban Design Director  
Craig D. Burton, City Recorder  
Ariel Andrus, Deputy City Recorder

**OTHERS PRESENT:**  
See attached list.

**APPROVAL OF MINUTES**  
**May 17, 2017 Work Meeting.** Council Member Beverly moved to approve these minutes

**MOTION:** Sharla Beverly  
**SECOND:** Portia Mila

Voice Vote:

Beverly: Yes  
 Kindred: Yes  
 McConnell: Yes  
 Mila: Yes  
 Pender: Yes  
 Rapp: Yes  
 Siwik: Yes

**May 18, 2017 Work Meeting.** Council Member Mila moved to approve these minutes.

MOTION: Portia Mila  
 SECOND: Ben Pender

Voice Vote:

Beverly: Yes  
 Kindred: Yes  
 McConnell: Yes  
 Mila: Yes  
 Pender: Yes  
 Rapp: Yes  
 Siwik: Yes

**NO ACTION COMMENTS**

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **CITIZEN COMMENTS/QUESTIONS. Trent Farger, Shades of Pale Brewing.** He stated he is against the Reagan electronic billboard that is being planned to go up right by his business. He is also unhappy with his water bills and monthly sewer system testing at his company. The testing charges are about \$185 dollars a month and the total water bill is \$400 a month. He doesn't mind being tested but suggested it be done quarterly or every six months. He can't seem to get a response from all the right people to sit down in a room and work the situation out.

**Oak?? Adams, 131 West 2100 South.** He is also against the Reagan sign. The sign is going to cause problems. His is looking at buy the building but if the sign is there they are going to have a hard fight building anything there.

**Alexandra Ortiz, Shades of Pale Brewing.** She asked that they City do something about the crime in the City. It is getting worse. In the last two months they have been the victim of three crimes. She has a bartender that is too scared to work late at night. They have to pay another person to walk her to her car at night. She spoke of the break-ins they have had lately. The police are great, there are just aren't enough of them. She asked the Council to

address the problem of the jails rejecting people who have been arrested. It is making the policemen's jobs harder. She also asked the Council to think about the parking situation in the downtown area. Before anything goes in she asked them to think about the impact of parking. Before anything goes forward she asked that they consider the impact to the neighbors.

Council Member McConnell read a citizen letter into the record regarding the proposed townhomes PUD on West Temple and Richards Street. A copy is attached to these minutes and incorporated by this reference.

3. **MAYOR COMMENTS.** Mayor Wood informed the Council that the City received \$100,000 grant from Salt Lake County. Half will go to Friday afterschool field trips at all sites and the other half will go to the Bud Bailey Afterschool program which is the Moss site during the school year and then all of Moss and Bud Bailey youth in the summer.
4. **CITY ATTORNEY COMMENTS.** None.
5. **CITY COUNCIL COMMENTS.** Council Member Sharla Beverly thanked the Recreation Department. She signed up her thirteen year old for a bunch of camps and he's having fun. She is impressed with the Recreation Department.

Council Member Siwik said there is a group of about one thousand single adults coming into the area in a couple of weeks and they would like to do some service and wanted to know if there were some homes they could work on.

The Mayor said she is aware of it.

Council Member McConnell is encouraged by the people who have filed to run for office this year. It makes him happy that people are stepping up and want a voice in the City.

6. **COUNCIL ATTORNEY COMMENTS.** None.
7. **INFORMATION. Jordan Valley Water.** Steve Owens, a member of the Board of Trustees of the Jordan Valley Water Conservancy District and Bart Forsyth, Assistant General Manager explained that they provide about two thirds of the water for South Salt Lake and in all provide water to over half of Salt Lake County. Mr. Owen advised that there is a proposed property tax increase before the District Board. It is to increase the taxable levy to the maximum ceiling established by the legislature. It is about five dollars a year on the average home in Salt Lake County. It is to maintain the infrastructure and keep the high level of service they provide.

The Council then moved to the public hearings on the agenda.

**PUBLIC HEARING – 7:30 (or as Soon Thereafter As Possible)**

**To receive public input regarding a consideration by the South Salt Lake City Council to vacate Fine Drive west of 900 West, Carlisle Avenue west of 900 West, and 1030 West the north to south road connecting these two roads. The vacated area contains 164,560 square feet. Application is made by Thackeray Garn Company. City Planner, Alexandra White reviewed a presentation with the Council. A copy is attached to these minutes and incorporated by this reference.**

Ms. White explained that the City is vacating the streets but the developer is putting them in just slightly different spots. They are not on the perimeter of the property now but on the interior so that they can have the lots that go all the way around the “U” shape and interior to the new road. The new roads will be dedicated to the City.

Council Member Kindred asked if 900 West was going to go through to 3900 South.

Mr. Florence advised that they had a neighborhood meeting and about sixty percent of the residents said they wanted to see it closed and the rest said the area is already congested and they felt it should be left open. If they decide to close it the City will keep the public right-of-way there. The HOA would be responsible for maintaining the landscaping over the top of it and if City ever decided to put the road in they (the City) would have the right to take out the landscaping and extend 900 West in that portion.

The public hearing was opened at 7:51pm.

**Lorraine Wilde, she owns a condo in the River Run area. She is a co-owner of one of the condominiums off of Carlisle. At the last hearing they did not get notice of the hearing in May.**

Mr. Florence explained that they sent out notices within a three hundred foot radius and she may not have been within that range.

Ms. Wilde expressed concern that you have to be out in the intersection on Fine Drive in front of the crosswalk in or to see traffic. One suggestion was made to paint the curbs red so cars wouldn't park there. She asked that they be more specific about what is meant by vacating Fine Drive. She stressed how important it is to get the resolves done on parking along 700 West.

Mr. Florence the Traffic & Safety Committee approved painting the curbs in the area shortly.

Ms. White explained that the City is vacating the portion of Fine Drive that has not yet been built which is west of 900 West.

The public hearing was closed at 7:57 p.m.

Council Member Siwik said to put it simply they are just swapping road for road.

Assistant City Attorney said as far as the vacation goes that is exactly what they are doing. They are just realigning the road but the legal process would be to vacate and then through dedication, get the new roads.

Mark Garza, the developer of the project, said that they have been meeting with builders who are excited to build another community just like the one next door. They had great response there and completely sold out in a little over a year. They anticipate the same type of response with this project. With the uncertainty of the homeless shelter being built, the builders they have spoken with are more in favor of closing the whole area off.

Council Chair Pender moved that this item be placed on Unfinished Business on the June 14, 2017 City Council Meeting.

MOTION: Ben Pender  
SECOND: Sharla Beverly

Voice Vote:

Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes  
Siwik: Yes

**PUBLIC HEARING – 7:30 (or as Soon Thereafter As Possible)**

**To receive public input regarding an Ordinance of the City of South Salt Lake City Council setting the salary of the Council Chair of South Salt Lake.** Assistant City Attorney, Hannah Vickery, reminded the Council that at the last meeting they had a lengthy discussion about increasing the Council Chair's compensation an additional \$300 a month.

The public hearing was opened at 8:14 p.m.

**Lorraine Wilde, she owns a condo in the River Run area.** She asked if a person can find out what the Council is talking about.

Council Member Siwik explained that whenever the salaries of the City Council are adjusted it requires a public hearing so the public has a chance to give input. They are proposing that the Council Chair's compensation be raised above the others by \$300 a month to compensate them for the time away from work and the extra meetings they attend at the City.

Ms. Wilde said she is not opposed to it she just wonder if there is a way a person can find out this kind of information. She asked if it is on the website.

Council Member Siwik explained that the agendas for the meetings are on the website. She could also talk to the City Recorder and get the agenda emailed to her.

Ms. Wilds asked if a person can give input at the meeting regarding items on the agenda.

Council Member Siwik said yes and explained was that can be done.

The public hearing was closed at 8:17 p.m.

Council Member Kindred explained that this ordinance only affects one member on the Council, the Council Chair. He feels it is a worthy thing to have for the Council Chair.

Council Member Siwik moved to approve the ordinance.

MOTION: Shane Siwik  
SECOND: Mark Kindred

Roll Call Vote:

Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes  
Siwik: Yes

**PUBLIC HEARING – 7:40 (Or as Soon Thereafter As Possible)**

**To receive public input regarding proposed amendments to all 2016/2017 fund budgets.** Finance Director, Kyle Kershaw, reviewed the amendments with the Council. A copy of the amendments is attached and incorporated by this reference. The first page is the General Fund and is some housekeeping items. It increases the General Fund Budget by \$69,480 dollars.

With Capital Improvements on page two, the first item is for purchase of the Todd property and the protection strip that was around it. There is some extra money in there to acquire some open space or rights to some open space should some come available before June 30.

The second item in the Capital Improvement Fund is regarding the property west of Fitts Park. It was acquired using federal funding. The City is reimbursing Salt Lake County the amount of that so they can use the property for open space or a

park development. In return, the County will return the money to the City in the form of a CDBG grant to pay for the improvement of that space. So it will be a wash on the City side but it gets the property under proper conditions where they can develop it.

The third item is a \$25,000 repair of a fire truck engine.

In the Sewer Fund they are talking about bonding over at Central Valley Water Reclamation Facility and they need to redeem some existing bonds that are outstanding. The \$263,000 is to pay off some existing bonds so the new issue can be extended. They have some fund reserves in the Sewer Fund and that is how they are going to redeem that debt.

Council Member Kindred asked why the Chamber of Commerce BBQ is in the General Fund.

Mr. Kershaw said they donated to the Police Department so PD used it for an event they had.

The public hearing was opened at 8:24 p.m.

There were not comments

The public hearing was closed at 8:24 p.m.

Council Member Kindred moved to approve the resolution approving the proposed budget amendments.

MOTION: Mark Kindred

SECOND: Portia Mila

Roll Call Vote:

Beverly: Yes

Kindred: Yes

McConnell: Yes

Mila: Yes

Pender: Yes

Rapp: Yes

Siwik: Yes

The Council then moved back to Unfinished Business on the agenda.

**ACTION ITEMS**

**UNFINISHED BUSINESS**

- 1. An Ordinance Amending Chapter 17.03 and Chapter 17.15 of the South Salt Lake Municipal Code to Establish Auto Auctions as Permitted Uses in**

**Commercial General and Light Industrial Land Use Districts.** City Planner, Alexandra White, reviewed a presentation with the Council. A copy of the presentation is attached to these minutes and incorporated by this reference.

Council Member Siwik advised that they are being asked to look at it from one applicant but it is for a general overall proposal that outdoor auto auctions be allowed in a commercial zone. They need to remember that is what is being asked for and is this use something that fits in this zone. From that perspective he doesn't see much difference between a car dealership and this.

Council Member Mila agreed.

Council Member Kindred said the use is already happening. It is existing and in place.

Deputy Community and Economic Development Director, Frank Lilly, explained that the use was discovered and the applicant was informed of what they needed to do. They were also informed that they couldn't do business until it was done. A lot of times people don't understand what the ordinance requires of them and they do have right to petition the City Council for an ordinance change and they can say yes or no. Staff does make a faithful effort at making sure a business owner or property owner is aware of their due process rights and that is why this has come to the Council. They were operating without knowledge of the zoning requirements and were notified of the problem.

In addition to the requirements listed in the presentation, Mr. Lilly advised that as a condition of approving their business license, because it is a change of use, they would also be looking at things like landscaping. There would need to be landscaping on the frontage as well as five percent of the lot interior or perimeter would have to be landscaped.

Council Chair Pender asked how many years went by before it was brought to their attention they needed to comply.

Ms. White estimated two to three years.

Council Chair Pender's opinion is that this is a professional company and they should know better to come to the City if they have questions regarding what the property usage is. In his opinion this is a repossession lot. He thinks that potentially creates more problems for law enforcement. The City has more than its fair share of car dealerships. He would have a difficult time with this.

Council Member Sharla felt it would be an upgrade to require landscaping. In the three year report there weren't any crimes on the property.

Council Member Rapp reminded everyone that they aren't looking at just this lot. This is an ordinance to allow any others to come in as well. The point is do they



want to allow this as an ordinance?

Council Member Beverly said that the business licenses are based on police and fire calls. If they used the data from the last three years their license would be very low.

Council Chair Pender acknowledged Council Member Beverly's point. The issue is, is this something they want to see in their City and for him personally the answer is no. He doesn't want to see auto auctions in the City. He thinks they have enough dealership lots as it is.

Council Member Beverly asked if they could limit the number of these businesses in the zone.

Mr. Lilly said they could limit the number of businesses by imposing separation requirements or applying it to a population ratio.

Council Member Mila liked that their other business, like the title loan business, has to be in the City as well.

Council Member Kindred said there is only one new car dealership in the City. He doesn't think this kind of business is one they would want to spread and he feels they will get more.

Ms. White clarified that title loan companies are no longer a permitted use in the City. They are at their limit. They will not get any new title loans companies outside of the locations they already have. There is no other zoning within the City that would allow an additional business to come in.

Council Member Mila said most likely they would not get an auto auction businesses where they are required to have a business unless it was tied to a title loan kind of place.

Council Chair Pender said the other title loan companies could start up auto auctions and he doesn't want to see that in our City.

Ms. Vickery said the way the ordinance is drafted it is tied to the title loan office being in the City. Essentially they are limited by their ordinance that limits title loans.

Council Member Kindred amended his earlier statement saying there are four new car dealerships in the City, not just one. But that is still not a good ratio. He doesn't know if this is a use they want in the City.

There was a lengthy discussion by the Council about car dealerships, auto auctions and title loans.

Council Member Mila moved to put this item Unfinished Business on the July 12, 2017 Council meeting.

MOTION: Portia Mila  
SECOND: Mark Kindred  
Voice Vote:  
Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes  
Siwik: Yes

The Council next moved to Item number 5 on Unfinished Business.

- 5. An Ordinance Granting Final Plat Approval for the 50 West Townhomes Planned Unit Development Overlay over the existing Commercial General and Transit-Oriented Development Core Overlay Districts in an Area as Described Herein.** Mr. Lilly passed out a site plan to the Council. A copy is attached to these minutes and incorporated by this reference. It is not the formal plat that will be reviewed as part of the ordinance. It is a site plan that indicates the location of the pedestrian gates along Richards Street. At the previous meeting an option was discussed of keeping one of the pedestrian gates but eliminating the other. The applicant responded with a new site plan. In this plan the south gate is removed. Now they have agreed that only one pedestrian gate would be appropriate along Richards Street.

Mr. Lilly advised that they had a title company confirm that the width of Richards Street is thirty-two feet. It is measured fence line to fence line along the street. The pavement width is shorter than that. There is significant siding on either side of the road that has never been improved but it is part of the public right-of-way and the title company does confirm that that right-of-way really is thirty-two feet.

Council Member Siwik asked if there is room for sidewalk.

Mr. Lilly answered yes. The PUD plat does assume a thirty-two foot right-of-way which means there would be room on their side for curb, gutter and sidewalk.

Council Member McConnell asked if there would be room for curb, gutter and sidewalk on the other side of the street.

Mr. Lilly said there would be room but the road would be very narrow. That is one of the reasons why the City Engineer and Traffic and Safety committee has recommended no parking signs on both side so the road. It is a decision of the City Engineer to be made in consultation with the Traffic Safety Committee. The intension of doing that would be to insure that there was sufficient access for

emergency vehicles and public works trucks to service the road.

Council Member Beverly said there are a lot of cars parked on the street of the residents that are currently there. She confirmed that the City engineer gets to make the decision on the parking and not the Council.

Mr. Lilly confirmed that is correct.

Council Member Pender asked if there were curb, gutter and sidewalk on both sides of the road would there be room for parking on the street.

Mr. Lilly said he doubted there would.

City engineer, Dennis Pay, explained the standard gutter section is two and a half feet and the standard sidewalk is five feet wide. So, having them on both side of the street would take fifteen feet from the thirty-two would leave seventeen feet of asphalt. To get it the way it should be done they would have to acquire right-of-way and that would be the big impact.

Council Member Beverly moved to approve this ordinance with the condition of the applicant working with staff and the neighborhood on the appropriate street profile and on street parking.

MOTION: Sharla Beverly

SECOND: Mark Kindred

Roll Call Vote:

Beverly: Yes

Kindred: No

McConnell: No

Mila: Yes

Pender: No

Rapp: No

Siwik: No

The motion failed.

Council Member Siwik moved to place this item on Unfinished Business on the June 14, 2017 Council meeting with the expectation that the developer works with staff on a development agreement and other things staff deems relevant.

MOTION: Shane Siwik

SECOND: Kevin Rapp

Voice Vote:

Beverly: Yes

Kindred: No

McConnell: Yes  
 Mila: Yes  
 Pender: Yes  
 Rapp: Yes  
 Siwik: Yes

The Council took a break at 9:50 p.m. and reconvened at 9:58 p.m.

The Council then moved back to item number 2 on Unfinished Business.

**2. An Ordinance to vacate an alleyway located between Commonwealth Avenue and Utopia Avenue.**

Council Member Mila moved to approve this ordinance.

MOTION: Portia Mila  
 SECOND: Mark Kindred

Roll Call Vote:

Beverly: Yes  
 Kindred: Yes  
 McConnell: No  
 Mila: Yes  
 Pender: Yes  
 Rapp: Yes  
 Siwik: Yes

**3. An Ordinance Repealing Chapters 17.21 and 17.24 of the Municipal Code and Adopting New Design Standards**

Council Member Pender moved to approve this ordinance.

MOTION: Ben Pender  
 SECOND: Sharla Beverly

Roll Call Vote:

Beverly: Yes  
 Kindred: Yes  
 McConnell: Yes  
 Mila: Yes  
 Pender: Yes  
 Rapp: Yes  
 Siwik: Yes

**4. An Ordinance Amending Chapter 17.15 of the South Salt Lake Municipal Code to Establish Qualifying Regulations for Massage Therapy Businesses**

Council Member Siwik moved to approve this ordinance.

MOTION: Shane Siwik

SECOND: Mark Kindred

Roll Call Vote:

Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes  
Siwik: Yes

The Council next moved to New Business on the agenda.

**NEW BUSINESS**

**1. Discussion Regarding South Salt Lake's Participation in the Central Valley Water Reclamation Facility's Issuance of Revenue Bonds for Capital Improvements**

Council Chair Pender moved to place this on Unfinished Business on June 14, 2017 Council meeting.

MOTION: Ben Pender

SECOND: Kevin Rapp

Voice Vote:

Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes  
Siwik: Yes

Council Member Siwik moved to adjourn.

MOTION: Shane Siwik

SECOND: Sharla Beverly

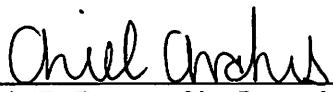
Voice Vote:

Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes

Siwik: Yes

The meeting adjourned at 10:20 p.m.

  
\_\_\_\_\_  
Ben Pender, Council Chair

  
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~~Craig D. Burton, City Recorder~~  
Ariel Andrus