

CITY OF SOUTH SALT LAKE  
CITY COUNCIL MEETING

COUNCIL MEETING

Wednesday, February 22,  
2017, 7:09 p.m.

CITY OFFICES

220 East Morris Avenue  
South Salt Lake, Utah 84115

PRESIDING

Council Chair Ben Pender

CONDUCTING:

Sharla Beverly

SERIOUS MOMENT OF REFLECTION/  
PLEDGE OF ALLEGIANCE

Shane Siwik

SERGEANT AT ARMS

Ryan Cram

COUNCIL MEMBERS PRESENT:

Sharla Beverly, Mark Kindred, Johnny McConnell, Portia Mila,  
Ben Pender, Kevin Rapp and Shane Siwik

STAFF PRESENT:

Mayor Cherie Wood  
Charee Peck, Chief of Staff  
Lyn Creswell, City Attorney  
Kyle Kershaw, Finance Director  
Jack Carruth, Police Chief  
Ron Morris, Fire Chief  
Dennis Pay, City Engineer  
Randy Sant, Economic Development Consultant  
Mike Florence, Community and Economic Development Director  
Frank Lilly, Deputy Community and Economic Development Director  
Alexandra White, City Planner  
Mont Roosendaal, Public Assets Director  
Aaron Wiet, Recreation Director  
Sharen Hauri, Urban Design Director  
Kari Cutler, Promise South Salt Lake Director  
Kristin Reardon, Court Administrator  
Antoinette Evans, Urban Livability Manager  
Craig D. Burton, City Recorder  
Ariel Andrus, Deputy City Recorder

OTHERS PRESENT:

See attached list.

**APPROVAL OF MINUTES**

**February 1, 2017 Work Meeting.** Council Member Rapp moved to approve these minutes.

MOTION: Kevin Rapp  
SECOND: Johnny McConnell  
Voice Vote:  
Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes  
Siwik: Yes

**February 8, 2017 Regular Meeting.** Council Chair Pender moved to approve these minutes.

MOTION: Ben Pender  
SECOND: Kevin Rapp  
Voice Vote:  
Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes  
Siwik: Abstain

**February 8, 2017 Work Meeting.** Council Member Mila moved to approve these minutes.

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

**NO ACTION COMMENTS**

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **CITIZEN COMMENTS/QUESTIONS. Alexandra Ortiz, 2160 South West Temple.** She has a request for the Council regarding the Commonwealth District where her business, Shades of Pale, is located. She is has been under the impression that the area where her business is located is going to be the future Downtown South Salt Lake and there was going to be retail and other restaurants. She said she has seen plans for the area and it looks like it will be apartments in the area. She said that her business needs other retail around to have her business thrive. She asked the Council if they would pass a zoning change for the future Downtown area that would require retail to be in that area.

**Ken Rivera, 2160 South West Temple.** Mr. Rivera represents the investment group for Shades of Pale Brewing. The investment group he is with has been helping the brewery raise money to expand the business. He would like to be engaged with the City on what the plans for the area around the business. He states that they have seen plans from the developers in the area but these plans have not been approved by the City. He would like to work with the City to make sure the right kind of demographic is going into the area. He states that the investment group that he is with doesn't want to invest money if the area is just going to have low income housing and businesses that will not bring people to the area. He said when he checked with the City there is nothing to reference to because the developers have not submitted anything to the City. He wonders how they can work with the City and know what is going on in the area of his business.

Council Member Beverly said she appreciates how often Shades of Pale brings concerns to the Council. She said at some point she would like to get an update from the Mayor and staff to find out what the plans are with the Commonwealth district.

Mr. Rivera said he would just like to have a meeting with City staff and find out how the City and the businesses in the area can interact and prepare the area to be robust. He said they would like to have a say in what the area looks like before the Hi-Grade Apartments are built.

Council Member Beverly said she would like to look ahead at a future Council meeting for this item.

Mayor Wood said an update from Community and Economic Development director, Mike Florence, would be good. She also said that City staff has tried to meet with Shades of Pale a couple of times but they have not met yet. She said they would be happy to meet with them.

Mr. Rivera said he would like to arrange a meeting with the City some time.

Council Member Beverly added that the Council and City staff is looking at a parking study for the Downtown South Salt Lake area.

3. **MAYOR COMMENTS.** Mayor Wood said the City was notified last week that a private donor donated \$300,000 to scholarships for South Salt Lake youth to attend Westminster College. She said she would like to offer tours to the Council of any department they would like to see. She added that she and staff appreciate the time of the Council for budget discussions and would like to offer any additional conversations.
4. **CITY ATTORNEY COMMENTS.** None.
5. **CITY COUNCIL COMMENTS.** Council Member Siwik thought the news about the scholarship money is great.

Council Member Kindred said the Council had previously discussed the boards that the Council members are part of and he thinks they should revisit that discussion.

City Attorney, Lyn Creswell, said he had sent some information to Council Chair Pender regarding these memberships. He has worked on a few of these but not all of them and he will send out information to Council Chair Pender.

Council Member Kindred also asked if Director of Promise South Salt Lake, Kari Cutler could be on a future meeting schedule to discuss a document that she sent to him.

Council Member McConnell said he really has enjoyed the meeting this evening and getting a chance to meet the directors and staff of the City.

Council Chair Pender said he appreciates the directors and staff being prepared and professional this evening. He really likes the communication of the staff and the Council this evening as well. He would like to see this type of communication continue. He thanked the Mayor for coordinating this tonight. He thinks an early jumpstart on the budget is a good thing.

Council Member Beverly said she agrees that the Council and staff are off to a good start and she thinks communication is the key.

6. **COUNCIL ATTORNEY COMMENTS.** None.

## ACTION ITEMS

### UNFINISHED BUSINESS

- 1. An Ordinance of the City of South Salt Lake City Council Amending the Future Land Use Map Designation of the General Plan from very low density Residential to General Commercial and Amending the Zone District Designation from Single Family Residential (R-1) to Commercial Corridor (CC) in an area described herein.** Council Chair Pender said this item was discussed last Council meeting.

City Planner, Alexandra White, advised the Council that Harley Davidson is petitioning for a general plan amendment to change the future land use map from very low density residential to commercial. They would also like to change the current zoning designation from single family residential to commercial corridor. The owner purchased a property at 26 east Cordelia Ave. The home was demolished last year and the lot currently sits vacant. They are proposing to do a parking lot for their current facility.

Council Chair Pender said that Council Member Beverly pointed out last meeting that the home that sits in between the two properties is a rental home and wondered if that could be considered a business as well. He contacted Mr. Florence and found out if that rental property was rezoned commercial the property taxes would go up \$190 a year. The property owner does not want this area to be rezoned. He wants to discuss this with the Council. He does not want to get into a bad situation down the road. He wonders if the Council should just rezone the two lots commercial versus doing the spot zoning.

Council Member Kindred said he went to that neighborhood and knocked on doors to get resident's opinions. He said one the resident was on the phone with the rental property owner and she plans to reoccupy the rental property in the future. He said he would be against rezoning this property commercial. He would rather keep that property residential and come back to this down the road again if they need to.

Council Member Beverly clarified the reason she felt okay about spot zoning this area was because the property in between is a rental property. She is not in favor of rezoning the rental property commercial if that is not what the owner wants.

Council Member Rapp advised that spot zoning is not allowed in the general plan.

Mr. Florence said the City does not use the words spot zoning. He does not believe this to be spot zoning because the property is adjacent and touching the property line of a property that is already zoned commercial corridor. State law does not discuss spot zoning and they require public hearings. He said Council Member Rapp is right that the general plan does say that zoning should not be

done on a lot by lot basis unless it is part of a larger development.

Council Member Rapp said if the Council wants to pass this ordinance he thinks that both properties should be rezoned. He believes this to be spot zoning and thinks it sets a bad precedence and sets the Council up for more problems down the road. He thinks what Harley Davidson is doing by creating more parking is a good thing but he thinks the way the City is going about this is the wrong way.

Council Member Siwik said the problem he has with the Council rezoning both properties is this becomes a government overreach by telling the property owner that the area is going to be rezoned. He advised that this creates a burden on the property owner by raising the property tax. He doesn't have a problem allowing the rezone for Harley Davidson because it is contiguous with the rest of the property.

Council Member Beverly agreed with Council Member Siwik. She feels like the property fits because it is part of a larger project. The property is connected.

Council Member Siwik asked if the City creates precedence for future projects.

City Council Attorney, Doug Ahlstrom, said he does not see precedence here because zoning issues are taken to the planning commission, a public hearing would be held and everyone would be allowed to speak. These are all on a case by case basis.

Council Member Kindred said he thought he remembered something like this when he was on the planning commission.

Mr. Florence said it was a different situation because the property owner had no plans on making any improvements to the property.

Council Chair Pender asked what Ms. White and Mr. Florence would recommend. He asked if the Council should consider rezoning the rental property as well or leaving it and just rezoning the vacant property.

Mr. Florence recommended that the Council does not rezone the rental property at this time because the owner is not in favor of the rezone. He said twenty-five years ago the City asked Harley Davidson to come into the community and since then the City has set up an RDA there. Harley is economically trying to do something better with the property and he doesn't think the City should hold the process up for one home. He said they can work with the rental property owner and at some point it may be a good thing to revisit the zoning policy in the general plan and make it more specific.

Mr. White agreed with Mr. Florence. She noted that Harley Davidson is subject to design review because the property is adjacent to residential. She said they are proposing significant improvements to the property with landscaping, drainage,

asphalt, curb, gutter and sidewalk. If the Council decides not to go forward with the ordinance there is a good chance that this property will continue to sit vacant.

Council Member Kindred clarified that there was no access off of Cordelia.

Ms. White said she does not know if there is a curb cut right now and the applicant did discuss not having access off of Cordelia.

Council Member Kindred said what is going to be landscape wise on this property will look a lot nicer than a demolished house.

Council Chair Pender said since the City Attorney and City Council Attorney agree with this and don't see a problem he supports this ordinance.

Mr. Ahlstrom said there cannot be any conditions on this zoning.

Mr. Florence said Harley Davidson will have to go to the planning commission for approval of the parking lot and there can be a staff recommendation not to have an entrance off of Cordelia.

Mr. Florence said the County Assessor said that because the rental property would remain residential the property owner would receive exemption however if the property was changed to residential the land value would increase and that is about a \$190 increase.

Council Member Mila said she thinks Harley Davidson has been a good partner with the City and she would like to see that relationship continue. She said knowing that the rental property owner does not want to rezone her property she doesn't want to push her towards that.

Council Member McConnell said he went over to that area and he really likes what Harley Davidson has done on the east side of the property and he feels like they are going to be a good partner with the other residents.

Council Member Kindred moved to approve this ordinance.

MOTION: Mark Kindred

SECOND: Ben Pender

Roll Call Vote:

Beverly: Yes

Kindred: Yes

Mila: Yes

McConnell: Yes

Pender: Yes

Rapp: No

Siwik: Yes

**2. An Ordinance of the City of South Salt Lake City Council Enacting Section 17.06.110 for Purposes of Establishing Standards for Indoor-Only Automobile Sales.** Deputy Community and Economic Development Director, Frank Lilly, advised the Council that they changed the language from residential zone to a residential use.

Council Member Siwik asked if an apartment wants to go next to an automobile sales area if now that would not be allowed.

Mr. Lilly said it would be allowed with some buffering of about ten feet.

Council Member Rapp moved to approve this ordinance with one word correction.

MOTION: Kevin Rapp  
SECOND: Mark Kindred

Roll Call Vote:

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

**3. An Ordinance of the City of South Salt Lake City Council Amending Chapter 17.03 and 17.15, of the South Salt Lake Municipal Code, to establish Automobile Restoration as Conditional Uses in the Commercial General and Transit Oriented Development Overlay Land Use Districts and Permitted uses in the Light Industrial Land Use Districts.** Ms. White advised the Council that this is a petition to amend chapter 17.03 and 17.15 which is the definitions chapter. This will add auto restoration into the matrix.

Council Chair Pender moved to approve this ordinance.

MOTION: Ben Pender  
SECOND: Portia Mila

Roll Call Vote:

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

**NEW BUSINESS**

- 1. A Resolution of the City of South Salt Lake City Council Setting the Salary for Justice Court Judge in South Salt Lake City.** City Attorney, Lyn Creswell, advised the Council that the City is required by State law to have the City Council approve the salary of the Judge. His advice to the Council is to set the salary and not anticipate any further increases based on performance. The Judge would receive cost of living adjustments.

Council Chair Pender moved to suspend the rules.

MOTION: Ben Pender  
 SECOND: Kevin Rapp  
Voice Vote:  
 Beverly: Yes  
 Kindred: Yes  
 McConnell: Yes  
 Mila: Yes  
 Pender: Yes  
 Rapp: Yes  
 Siwik: Yes

Council Chair Pender moved to approve the resolution.

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

- 2. A Resolution of the City of South Salt Lake Mayor and City Council Supporting and Welcoming Immigrants and Refugees into the South Salt Lake Community** Council Chair Pender advised that some wording issues had come up regarding this resolution.

Council Member Siwik said he asked Mayor Wood to take the word “all” out of the wording because a reporter questioned if the City would accept illegal immigrants. A copy is attached to these minutes and incorporated by this reference.

Council Member Kindred moved to suspend the rules.

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

Council Member Kindred moved to approve this resolution.

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

- 3. A Resolution of the City of South Salt Lake City Council Approving the Interlocal Cooperation Agreement Between South Salt Lake City and Salt Lake County for the County to Conduct Primary and General Municipal Elections for 2017** City Recorder, Craig Burton, advised the Council that 2017 is an election year for South Salt Lake. He said since 2009 the City has been contracted with the County to help run the elections. He told the Council the contracted amount that would be paid to the County. A copy is attached to these minutes and incorporated by this reference.

Council Member Siwik asked if there will be a polling station.

Mr. Burton said there would be one polling station. If there is more polling station there is an added cost to the City.

Council Member Mila asked if the voting numbers went up when the City went to vote by mail.

Mr. Burton said yes, they went up to forty percent. In the past the best the City had was thirty-two percent.

Council Chair Pender moved to suspend the rules.

MOTION: Ben Pender  
SECOND: Kevin Rapp  
Voice Vote:  
Beverly: Yes  
Kindred: Yes  
McConnell: Yes  
Mila: Yes  
Pender: Yes  
Rapp: Yes  
Siwik: Yes

Council Member Mila moved to approve this resolution.

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

Council Member Rapp moved to adjourn.

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

The meeting adjourned at 8:00 p.m.

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Ben Pender, Council Chair

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Craig D. Burton, City Recorder