

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, May 11, 2011
7:00 p.m.

CITY OFFICES 220 East Morris Avenue – Suite 200
South Salt Lake, Utah 84115

PRESIDING Council Chair Casey Fitts

CONDUCTING Council Member Irvin Jones

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Council Member Michael Rutter

SERGEANT AT ARMS Officer John Ferguson

COUNCIL MEMBERS PRESENT:

Casey Fitts, Ryan Gold, Irvin H. Jones Jr., Boyd Marshall, Michael Rutter,
LeRoy Turner and John Weaver

STAFF PRESENT:

Mayor Cherie Wood
Charee Peck, Chief of Staff
Lyn Creswell, City Attorney
Kyle Kershaw, Finance Director
Ron Morris, Fire Chief
Glenn Smith, Urban Livability Director
Craig Burton, City Recorder
Kayla Moss, Deputy City Recorder

OTHERS PRESENT:

See attached list

NO ACTION COMMENTS

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

2. CITIZEN COMMENTS/QUESTIONS. None.

3. MAYOR COMMENTS. Mayor Wood praised the Public Works Department. They have really tried to find ways to include the schools in the City. They have a naming contest for a piece of their equipment every year. This year they named the Vac-On, which is going to be named the Suckamadiser. They have also started to kick off the

community event projects. The first kick off day it snowed but despite the weather there was still a good turn out. Then the employee volunteer day was the following week. About fifty employees came to that event. A lot of yard maintenance and tree trimming was done on that day. The next event is scheduled for Saturday with one of the local wards. They are going to be doing park strip work. A volunteer group called RAIN was also in town and they did a transformation on a house at 700 West Stratford Ave. All signs are indicating that this is going to be a very successful project.

4. CITY ATTORNEY COMMENTS. Lyn Creswell, City Attorney, reported back on the backyard fire issue. The City is not going to pursue the backyard fire issue by permit.

Council Member Marshall thinks that the City is moving in the right direction with this.

Council Member Weaver asked if there can be anything done to send out information to the residents about the new fireworks. He is concerned about people putting the fireworks in their backyards and lighting trees on fire.

Ron Morris, Fire Chief, advised that the Fire Prevention Board met earlier in the week and discussed the new fireworks law. Anyone that buys the new fireworks will be given a brochure of information. He thinks the City can also send a notice out in the water bill and put something in the South Salt Lake Journal as well. In answer to a question Chief Morris advised that you have to be 18 to purchase these cake fireworks.

Council Member Weaver expressed some concerns to the local adaptations that are going to be made to the adoption of the International Fire Code.

Mr. Creswell advised that the Code also allows large fires. The City has decided to not permit these large fires and to only allow the smaller fires.

5. CITY COUNCIL COMMENTS. Council Member Turner expressed his appreciation for the tour Public Works took them on last week. He also thanked the Urban Livability Department.

Council Member Gold mentioned that he is really excited about the revitalization that is happening in the City. He can't wait to see all of the good happening in the neighborhood.

Council Member Marshall asked what the City is looking at on cat licensing.

Mr. Creswell advised that Paul Roberts, Deputy City Attorney, is working on it and he will check with him on where he is at with it.

Council Member Marshall also thanked Public Works and Parks and Recreation for being able to use the football field for a Highland Rugby fundraiser. He thinks that all of the employees in the City are great people and are always willing to help out.

PUBLIC HEARING – 7:30 P.M. (OR AS SOON THEREAFTER AS POSSIBLE)

Public hearing for the City Council to consider a recommendation from the Planning Commission to amend the city landscaping ordinance. Application is made by the City of South Salt Lake. Larry Gardner, Community Development Director, advised that this ordinance makes the City able to require a landscaping plan to change the use of the property. It also allows for different types of landscape treatments to be used on properties. It provides guidelines on different types of landscaping. It also allows for different types of landscaping on the main corridors. The ordinance before was only a general allowance, this now makes it a little more specific. There was a need for some enforcement and the last section of the ordinance gives guidelines on how people need to maintain their property.

Council Member Marshall asked what types of landscaping materials were being allowed in the park strip area.

Mr. Gardner advised that this means mulch and gravel. He does not feel this will be a big problem for storm drains.

Council Chair Fitts asked if 35% of the landscaping being allowed to be water features is congruent with what other cities allow.

Mr. Gardner advised that it is similar to most other cities.

Council Member Jones asked how you determine the difference between xeriscaping and weeds and wonders if there a list of plants allowed.

Mr. Gardner that there is a website that gives a list of plants that are allowed for xeriscaping.

Council Member Marshall has concerns about the materials in the park strip area.

Council Member Jones opened the public hearing at 7:40 p.m.

No one came forward for comment, public hearing was closed at 7:40 p.m.

Council Chair Fitts thinks that people have the right to do what they want to their own yard. This is one of the beauties of living in America. He thinks that limiting people on putting rock in their yard is not right.

Council Member Weaver feels that putting an exact percentage on what landscaping is allowed in a yard would be hard to do. He thinks there is a point where this could cross over to absurdity.

Mr. Creswell added that the Mayor has put out a strategic plan that has emphasized image change. Part of that includes housing. This ordinance really dovetails with those larger

themes and should not be considered to stand alone. A landscaping component of some sort is needed to achieve some of the larger goals.

Council Member Rutter saw a citizen in the audience that would like to speak.

Council Member Rutter moved to open the public hearing at 7:47.

MOTION: Michael Rutter

SECOND: John Weaver

Voice Vote:

- Fitts Aye
- Gold Aye
- Jones Aye
- Marshall Aye
- Rutter Aye
- Turner Aye
- Weaver Aye

Joseph Bodell, 54 East 2700 South. Mr. Bodell is concerned about the enforcement of the landscaping ordinances.

Council Member Jones advised him that the Mayor is very active in changing our image. Glenn Smith is in charge of this effort. The Council asked him to give Mr. Smith an address and he will follow up on the issue of his concern.

Council Member Weaver made the motion to bring this to the next regularly scheduled Council Meeting.

MOTION: John Weaver

SECOND: Boyd Marshall

Voice Vote:

- Fitts Aye
- Gold Aye
- Jones Aye
- Marshall Aye
- Rutter Aye
- Turner Aye
- Weaver Aye

Public hearing for the City Council to consider a recommendation from the Planning Commission to amend the city zoning code to require waste container enclosures for all existing multi-family residential properties of three units or greater and all business commercial properties, Application is made by the City of South Salt Lake. Mr. Gardner advised the Council that there have been several complaints made to the Mayor’s office about the way waste containers look in residential areas. In particular those associated with multi-family housing that is mixed in with single family homes. There is risk that if this is made a requirement without guidelines

the enclosures could look worse than the dumpster. That is why the guidelines were created. This will require someone to build an acceptable enclosure with gates, around their dumpster. They created a packet of pictures for guidelines on what these dumpsters should look like. In answer to a question Mr. Gardner advised that there is a hardship provision that allows the property owner to prove that the enclosure will not fit on the property or that it will look worse than what is already there.

Council Member Rutter thinks that chain-link should be an allowable material for the enclosure.

Council Chair Fitts wanted to put on record a disclosure that he manages a business in South Salt Lake that would potentially have to do this. They have been tagged by graffiti four times in the four months that they have been in their current building. He thinks that all of the other methods will be susceptible to tagging, whereas chain-link might be less susceptible.

Council Member Jones opened the public hearing at 8:05 p.m.

No one came forward, the public hearing was closed at 8:05 p.m.

Council Member Marshall thinks that there needs to be more discussion on this.

Council Member Weaver thinks there needs to be a balance between our initiative in cleaning up the City and the methodology on how we go about doing that. He can see people having problems with this and feeling that it is being forced upon them.

Council Member Marshall reminded the rest of the Council that this came about because a citizen came before them with concerns about properties around him. He agrees that this is an issue in the City, but maybe worse for multi-family homes than for the businesses.

Council Member Jones agrees that the image needs to be improved and we would hope that our neighbors would be neat and tidy but that is not always the case.

Council Member Marshall made the motion to move this to the June 1, 2011 Work Meeting.

MOTION: Boyd Marshall

SECOND: John Weaver

Voice Vote:

- Fitts Aye
- Gold Aye
- Jones Aye
- Marshall Aye
- Rutter Aye
- Turner Aye

PUBLIC HEARING – 7:45 P.M. (OR AS SOON THEREAFTER AS POSSIBLE)

Public hearing for the City Council to consider a petition to vacate a public right of way located at approximately 3675 S. Lincoln Park Drive parcel number 16-31-254-044. Application is made by Joseph Bragg. Mr. Gardner advised that this is part of the Lincoln PUD approved several years ago. It was approved with a large common area and a walkway from the roadway to the school that runs between two houses. They thought this would provide a shorter way to the school; however the school fence has not been taken down. The District said they never will until all of the homes are built. It is the principal’s opinion that she will never put a gate there. The walkway would have to be split in the middle with equal shares going to both property owners.

Council Member Turner mentioned that he thinks there is a safety issue that needs to be thought about. He is worried that the children around the neighborhood will have a long way to walk without this walk way.

Council Member Jones opened the public hearing at 8:20 p.m.

Joseph Bragg 3673 South Lincoln Park Drive. Mr. Bragg advised that another walkway was built that the kids can walk to school on. He doesn’t think they will ever open this up. He really doesn’t want an alley to nowhere. They already have graffiti issues and he thinks that would make it worse.

Public Hearing was closed at 8:25 p.m.

Council Member Weaver made the motion to move this item to the next Regular Council Meeting on May 25, 2011.

MOTION: John Weaver

SECOND: Boyd Marshall

Voice Vote:

Fitts Aye

Gold Aye

Jones Aye

Marshall Aye

Rutter Aye

Turner Aye

Weaver Aye

6. INFORMATION

a. General Obligation Bond Process. Lyn Creswell, City Attorney, passed out documents to the Council about the General Obligation Bond process. A copy of these handouts are included and incorporated by this reference.

Council Member Jones asked to move an item out of order and went to Item 1 on New Council Business.

Council Member Marshall excused himself from the meeting at 8:45 pm.

NEW COUNCIL BUSINESS

- 1. Appointment by the Mayor.** Mayor Wood presented Jerold McPhee to the Council to be the new Administrative Law Judge. He is currently a part of the Planning Commission and realizes that if he receives their advice and consent tonight he will have to resign. He has served the Planning Commission very well.

Mr. Creswell advised that he will be the second Administrative Law Judge. Heidi Deifel currently lives out of state and is only able to be here once a month. The City wants to retain her and also use Jerold on an interchangeable basis.

Council Member Marshall made the motion to suspend the rules and vote on this appointment.

MOTION: Boyd Marshall

SECOND: Casey Fitts

Voice Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Aye
Rutter	Aye
Turner	Aye
Weaver	Aye

Council Member Marshall moved to approve Jerold McPhee as the new Administrative Law Judge.

MOTION: Boyd Marshall

SECOND: LeRoy Turner

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Aye
Rutter	Aye
Turner	Aye
Weaver	Aye

INFORMATION

b. Rocky Mountain Power Planning Book. Larry Gardner advised the Council that Rocky Mountain Power is under statutory obligation to provide utility services. Some communities are having problems because of usage trends. We are using more power than we used to. They wanted to develop a process to better decide how to site substations and distribution lines. This book decides where new facilities need to be sited. South Salt Lake will not be receiving any more substations. We have two in the City already. They will be upgraded and receive more transformers as needed.

c. City Venture-Street Car Visioning Project. Marilee Utter, of Citi Venture Associates, advised the Council that they are a team working for South Salt Lake and Salt Lake City on the Street Car corridor. Their job is to figure out the design and land use of the corridor. Ron Straka, also of Citi Venture, is focused on the design and Ms. Utter is working with the business and development side. They have been meeting with IBI and the economic development people in the City. Her goal is to figure out how to make communities competitive. The whole idea is to make a mixed use, live, work, play environment. “Walkable” places have the most value. The trick is to make a place that is authentic to South Salt Lake.

Council Member Weaver asked that they send the PowerPoint that they didn’t have time to present be sent to the City Recorder so he can pass it on to all of the Council members. He hopes to be able to create something long term and lasting for the community.

Council Chair Fitts wants to make sure we capture what residents want to see in the community.

UNFINISHED COUNCIL BUSINESS

1. Approval and Adoption of Granite Small Area Plan. Larry Gardner advised that this was given to the Council a couple of weeks ago for review.

Council Member Weaver advised that there has been a tremendous amount of work and input from the people that will be most affected by this plan. There was a lot of support for it. He is very comfortable with the outcome.

Council Member Weaver made the motion to approve the Granite Small Area Plan.

MOTION: John Weaver
SECOND: Michael Rutter

Voice Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

NEW COUNCIL BUSINESS

2. An Ordinance Establishing Temporary Land Use Regulations for City Economic Development Areas. Lyn Creswell, City Attorney, advised that this is typically referred to as a moratorium. He and Council Chair Fitts talked about this and it was Council Chair Fitts recommendation that it was introduced tonight and then it will come back at a later time. This freezes all construction and development activity for a six month period while the City completes its planning activity and puts the plans into land use ordinances. The biggest challenge is the timing of when you start the moratorium. The City could be scrambling at the back end if it is started too early. Mr. Creswell is cautious about starting this at the appropriate time. He suggested that Randy Sant, Economic Development Consultant, makes a recommendation on when to start this.

Council Member Weaver made the motion to move this to the next Regular Council Meeting.

MOTION: John Weaver

SECOND: Casey Fitts

Voice Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

3. Presentation of Tentative Budget for Fiscal Year 2011/2012. Mayor Wood advised the Council that they tried something a little different in the budgeting process this year. They added an additional step to better meet the needs of the department heads. She then reviewed some of the highlights of the budget.

a. Acceptance by Council of Each Fund of Tentative Budget for Fiscal Year 2011/2012.

Council Member Rutter made the motion to accept the Tentative General Fund Budget for fiscal year 2011/2012 in the amount of \$24,610,230.

MOTION: Michael Rutter

SECOND: John Weaver

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Weaver moved to accept the Tentative Capital Improvement Fund Budget for fiscal year 2011/2012 in the amount of \$3,826,500.

MOTION: John Weaver

SECOND: Michael Rutter

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Gold moved to accept the Tentative Sales Tax Debt Service Fund Budget for fiscal year 2011/2012 in the amount of \$2,584,082.

MOTION: Ryan Gold

SECOND: Casey Fitts

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Rutter moved to accept the Tentative Leased Equipment Debt Fund Budget for fiscal year 2011/2012 in the amount of \$312,600.

MOTION: Michael Rutter

SECOND: John Weaver

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Weaver moved to accept the Tentative Water Utility Fund Budget for fiscal year 2011/2012 in the amount of \$2,353,350.

MOTION: John Weaver
 SECOND: Michael Rutter

Roll Call:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Gold moved to accept the Tentative Sewer Utility Fund Budget for fiscal year 2011/2012 in the amount of \$1,508,000.

MOTION: Ryan Gold
 SECOND: Casey Fitts

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Rutter moved to accept the Tentative Ambulance Services Fund Budget for fiscal year 2011/2012 in the amount of \$1,246,900.

MOTION: Michael Rutter
 SECOND: John Weaver

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Weaver moved to accept the Housing Fund Budget for fiscal year 2011/2012 in the amount of \$374,000.

MOTION: John Weaver
SECOND: Casey Fitts

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Gold moved to accept the Tentative Insurance Reserve Fund Budget for fiscal year 2011/2012 in the amount of \$429,500.

MOTION: Ryan Gold
SECOND: Casey Fitts

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

b. Set Public Hearing Date to Receive Public Comment on Proposed 2011/2012 City Budgets.

Council Member Rutter moved that the Council set Wednesday, June 8, 2011 at 7:30 pm as the date and time for a public hearing to receive public input regarding the proposed budget.

MOTION: Michael Rutter
SECOND: John Weaver

Roll Call Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

Council Member Weaver moved to adjourn.

MOTION: John Weaver
SECOND: Casey Fitts

Voice Vote:

Fitts	Aye
Gold	Aye
Jones	Aye
Marshall	Absent
Rutter	Aye
Turner	Absent
Weaver	Aye

The meeting adjourned at 9:40 p.m.

Casey Fitts, Council Chair

Craig D. Burton, City Recorder