

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, October 12, 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 LeRoy Turner

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Council Member Casey Fitts

SERGEANT AT ARMS Officer Ferguson

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

STAFF PRESENT:
Mayor Cherie Wood
Charee Peck, Chief of Staff
Lyn Creswell, City Attorney
Amy Bearden, Court Administrator
Kyle Kershaw, Finance Director
Mike Florence, Community Development Director
Troy Bennett, Parks and Recreation Director
Dennis Pay, Public Works Director
Craig Burton, City Recorder
Kayla Moss, Deputy City Recorder

OTHERS PRESENT:
See attached list

APPROVAL OF MINUTES

- 1. August 10, 2011 Joint Special Meeting.** Council Member Marshall moved to approve the minutes.

MOTION: Boyd Marshall
SECOND: John Weaver

Voice Vote:

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

September 7, 2011 Regular Meeting. Council Member Weaver moved to approve the minutes.

MOTION:	John Weaver
SECOND:	Boyd Marshall

Voice Vote:

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

September 28, 2011 Regular Meeting. Council Member Marshall move to approve the minutes with one correction.

MOTION:	John Weaver
SECOND:	Boyd Marshall

Voice Vote:

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

NO ACTION COMMENTS

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

2. CITIZEN COMMENTS/QUESTIONS. Betty K. Anderson, 220 West 3680 South. Mrs. Anderson had a question about new zoning around Trax. She wanted to know who is in charge of that and who she can talk to for more information.

Council Member Marshall advised her to talk to Mike Florence, Community Development Director.

3. MAYOR COMMENTS. Mayor Wood advised that she received new crime rate numbers for 2010. Crime rate is currently 78.84 per 1000 people. The significance of that is that the crime rate in 2000 was 86.03. It was the highest per 1000 people in 2004 at 126.03.

Council Member Turner requested that a well done gets passed on to Chief Snyder and his people. He appreciates our police force.

4. CITY ATTORNEY COMMENTS. Lyn Creswell, City Attorney, gave the Council a copy of the legal case that was discussed in a previous meeting regarding serious moment of reflection. He also gave the Council a New York Times article written about refugee farming. Utah has a concentration of refugee farming. South Salt Lake hosts quite a few successful farms. Troy Bennett, Parks and Recreation Director, has quite a bit more information about that. These farms are a real plus for the community to have.

Email Retention was talked about in Cabinet Meeting. The City is still working to get a policy formalized. For Council purposes they really need to use the City's email address and server to communicate all public information.

5. CITY COUNCIL COMMENTS. Council Member Rutter was saddened over the incident that happened at 3300 South and 400 East. He feels it was very senseless. There was a lot of support over this incident and he commends all of those involved.

Council Member Weaver had a chance to look over all of the crime stats and he thinks it is significant to note that not only is crime down but the nature of the crimes are different. He would say they are less severe in many categories. He would like a copy of the report to review when it is finalized and formal.

Council Chair Fitts visited with James Seaman of the Exoro Group and they are putting together a series of events in an outreach fashion in regards to the Granite High Bond. The City as a whole is engaged in education only. As elected officials they are able to either stand against or for the bond. There is a group of citizens that have organized and funded these events. The City is not paying for these particular events. Mr. Seaman asked if there was any way to encourage them to help distribute the lawn signs for those who are in support. For those who would like a lawn sign they will have signs at any of these events.

There are also a couple of citizens in attendance at the meeting that live on Commonwealth. Council Chair Fitts can not believe how many comments and interest he has received about what has taken place on Commonwealth Avenue. One of the things that has happened there that is a testament of the City's willingness to work with residents is in essence it wasn't this is what you can have take it or leave it, the City worked with the residents to find what would work for them and UDOT. He can guarantee that Public Works will get calls in the future to figure out how they can take

care of their streets. He thinks it has been resolved in a way that was as helpful as possible.

Council Member Marshall thanked every department in the City for the work they do. He also had occasion to be at the shooting in the City. Every other agency that came to assist with this incident had nothing but praise for our police and fire for the way the scene was handled.

6. INFORMATION

- a. **Military Community Covenants Introduction.** Lieutenant Earl Simmons, with the Utah Army National Guard, came to make the Council aware of a program called Community Covenants. This program was set up in 2008 to help communities help their military members and families. One of the main problems is realizing that they have a lot of resources for current and past military members but it is getting very hard to get the resources down to the individuals. This is the solution they came up with. In 2010 the Utah State Legislature signed a community covenant pledging their support. It then became their mission to go to the 300 incorporated Cities throughout the State of Utah and inform them about the program. They have currently been to about 60 Cities. He then showed a video presentation about the program. The goal is to do a Community Covenants signing with South Salt Lake. The military is there to help the City's with whatever they might need to do the signings. They would like to start a relationship with the City to help those who are or were in the military. There are 13 different regions set up in Utah for military service members. There are family assistant centers as well that any family member can call for help.

Mr. Creswell wants to organize something before the Regular Council Meeting on November 9 to invite the community to. They could have the signing at that time. He volunteered to get the ball rolling on this.

ACTION ITEMS

Unfinished Council Business

1. **Justice Court Recertification.** Mr. Creswell advised that the resolution is pretty straight forward. The legal opinion allows him to advise the Council regarding what the legal requirements are and then to report his review of the Justice Court. He did this by meeting with Judge Johnson and Court Administrator, Amy Bearden. They went over the requirements in some detail. Judge Johnson expressed an interest in some things being carried out. He has represented her suggestions in the opinion letter he wrote. She felt that her current schedule didn't provide sufficient time for the indigent persons to be well represented. The Attorney's office worked with the Public Defenders to come up with an additional half calendar a month on a Tuesday afternoon that doesn't conflict with other calendar items. The Public Defenders agreed to come and

provide the extra support. The City is also upgrading their security plan. The entire court needed some technology upgrades and that will be completed by the end of this month. Other than a few little things the Judge felt like she was getting sufficient support from the City. The Judge also needs to sign a statement regarding her commitment to the City's Justice Court.

Council Member Weaver thinks it is wonderful to see that the City is not only making sure that the statutory requirements are met but there is also an effort to make sure we are performing above the minimum. He thinks it is very healthy that these things are taking place.

Council Member Rutter had a chance to meet with a company in South Salt Lake and one of the people that worked at this company found out that he was a City Council Member. He went out of his way to tell him that he got a ticket in South Salt Lake but he had a great experience with the Judge. Even though he was guilty she took time to listen to him.

Mr. Creswell advised that Troy Bennett, Parks and Recreation Director, and Amy Bearden, Court Administrator, are working together with the Judge to require a higher percentage of community service hours be performed within our City.

Ms. Bearden advised that the numbers for community service are increasing. The Court is working with Parks and Recreation to really utilize the community service workers.

Mr. Bennett advised that they started to reorganize the community service program based on a report that came out last year. The report was the number of hours that were completed within the City and the hours that were completed outside of the City. Seventy-five percent of the hours were being completed at outside organizations. So the City started working with the Court to reorganize the program so that the City had the capacity to level that out to at least 50/50. He has started to meet with all the departments to identify how they can each use community service workers. Everyone has been very receptive and the Court staff has been wonderful to work with.

Council Member Marshall moved to pass the resolution of the City of South Salt Lake City Council Requesting the Recertification of the Justice Court of South Salt Lake.

MOTION: Boyd Marshall
SECOND: John Weaver

Roll Call Vote:

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

2. An Ordinance of the City of South Salt Lake City Council Amending Title 17.26 of the South Salt Lake City Municipal Code. Mike Florence, Community Development Director, advised that these were brought to the Council about a month ago. He has brought them back in Ordinance form. This first one is for the Commercial Corridor Zone to remove residential and assisted living facilities as a permitted use. Also under conditional uses it is removing reception centers, wedding chapels, dance clubs, halls, arcades, tattoo parlors, and check cashing. It is also increasing the per population of pawn shops from 1 for every 5,000 residents to 1 to every 6,000 residents. It is also prohibiting cigarette, tobacco, specialty stores, smoking parlors, and lounges within the Commercial Corridor Zone.

Council Member Rutter asked if the existing businesses were grandfathered in.

Mr. Florence advised that the existing businesses can remain where they are and it only affects businesses coming in to the City. If the property is destroyed it can be rebuilt.

Council Member Weaver thinks that this cleans up future development significantly. He thinks over time it will help create separation and space that has been needed in the City.

Council Member Rutter moved to approve this ordinance.

MOTION: Michael Rutter

SECOND: Ryan Gold

Roll Call Vote:

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

3. An Ordinance of the City of South Salt Lake City Council Amending Title 17.06.110 of the South Salt Lake City Municipal Code for Automobile,

Boat, Trailer or Camper Sales or Rental. Mr. Florence advised that this amendment makes a couple of changes. It increases the minimum lot size for new dealerships in the City from one half acre to one acre and it defines the display area as the side yard and front yard area, not the rear yard. It also requires the display area to be hard surfaced.

Council Member Weaver asked what the most significant drive behind these changes was.

Mr. Florence answered that there is a direct correlation between how large the lot of a new dealership is and how well it is maintained. If it is on an acre or larger they keep up on their landscaping and present their cars better.

Council Member Weaver is concerned about this change. This doubles the upfront cost for a new dealership and he doesn't think that is right just because of aesthetics.

Council Member Marshall advised that there have been times when the City has had a lot of small car lots that consist of between five and fifteen cars. They haven't been well maintained and they create a problem for the City. They can easily turn into junk yards and he feels like you need to have guidelines for these lots. Otherwise anybody can do what they want to the detriment of everyone around them. He doesn't think too many citizens in the City would like something like that next to their house.

Council Member Rutter doesn't think the cost of the land would double. He also suggested that some of the car dealers don't have the wherewithal to purchase the land; they rent it or lease it. So therefore they don't have as much cost involved. He thinks this ordinance creates a safer much cleaner environment for the City.

Council Member Jones thinks that the little car lots should be gotten rid of. They encounter this problem in his district frequently. Cars are parked up and down the street creating a traffic hazard, infringing on other peoples rights and typically the little lots are the ones with crummy cars. He thinks it can easily be a front for laundering titles. The property isn't taken care of. If it was, this issue would not have come up.

Mr. Florence advised that the car lots that are already in the City are grandfathered in. He has been here six years and there have only been two car dealerships presented to the Planning Commission in that time.

Council Member Weaver added that every concern that has come up is actually covered under a different ordinance. He thinks it is a matter of enforcement on this issue. He doesn't think it is wise, or fair, to make an ordinance that assumes guilt before the case is heard. He sees this as an administrative "easy way out" and he thinks that is at the expense of legitimate business people that don't have the wherewithal to pay that additional fee or rent. He suggested that a blanket rule

that might be administratively convenient might not be what is best for “the little guy”.

Council Member Fitts mentioned that they had the same discussion a couple of years ago to bring it up to a half acre. He doesn't think there has been significant cause over the last few years to have someone say that the City has caused damage to their business. He doesn't see much difference between this ordinance and the one that was passed right before this. He doesn't think this is entirely about aesthetics but also bringing the City in line with its' General Plan. He thinks that larger lots tend to be more successful and bring in more sales tax. It is not all about money but it is all about the big picture. He thinks that if they pass ordinances that help businesses to become more successful it also helps the community to be better.

Council Member Weaver hopes that this isn't purely aesthetics driven. He is of the opinion that the economic situation isn't turning around as fast as people would hope. He thinks that more people will be trying to figure out how to make ends me, and to him, this is one additional layer of hurdle to get in people's way. He would like to target the problem instead of assuming guilt.

Council Member Rutter advised that Ford Motor Company dictates to you your floor plan, acreage, size, flooring potential, amount of money you have in the bank. They do this because they have a model that they know will make that dealer successful. They do not want any dealer to go broke because they did not follow a model that they have proven works. The City is following a pattern to say to the dealers that the City wants you to stay in South Salt Lake, we like you, we like car dealerships on State Street, and we want you to be successful.

Council Member Marshall has a hard time thinking that this is going to bother anyone that wants to run a legitimate business in the City.

Council Member Marshall moved to approve this ordinance.

MOTION: Boyd Marshall

SECOND: Michael Rutter

Roll Call Vote:

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

4. An Ordinance of the City of South Salt Lake City Council Amending Title 17.38 of the South Salt Lake City Municipal Code. Mr. Florence advised that this one has to do with the Light Industrial Zone. The General Plan talks a lot

about this zone in creating areas for light industrial businesses to have an area to expand and removing the incompatible uses from going in next to a light industrial type of business. It would remove transitional housing facilities, transient shelter/homeless shelters, and residential uses. There are about five different policies in the General Plan that talk about removing residential areas out of the light industrial zone.

Council Member Jones asked if the Citizens are okay that currently live in Residential in the Light Industrial Zone.

Mr. Florence advised this is only for new residential. Even if you want to sell your home it can still remain a residential parcel under new ownership.

Council Member Weaver thinks this falls in line with the first ordinance that was discussed tonight.

Council Member Weaver moved to approve this ordinance with the mentioned corrections.

MOTION: John Weaver
SECOND: Boyd Marshall

Voice Vote:

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

New Council Business

1. Discussion of an Ordinance Adopting the Central Pointe Urban Renewal Project Area Plan as Approved by the City of South Salt Lake Redevelopment Agency, as an official Urban Renewal Project Area Plan, and Directing that Notice will be Given. Randy Sant, Economic Development Consultant, advised that there is a public hearing coming up on October 26th. They want to review the documents that are going to be passed on that day. One of the documents is approving the Central Pointe Urban Redevelopment Plan. Notice has been sent out to all of the property owners. They have also put in the notice that property owners could set up an appointment. So far everyone has been supportive. He thinks that during the public hearing there won't be a lot of opposition but there will be a lot of questions. They don't know yet what exactly is going to be done in the area or what the time frame is going to be. The public hearing is about the Central Pointe Redevelopment Plan itself. Once the public hearing is over the Redevelopment Agency will approve a resolution moving the plan to the City Council for their action by ordinance. The City Council then

adopts it by ordinance and it becomes the official plan. There is a 30 day challenge period after the plan is posted in the paper. At the end of the 30 days the City is done and the plan can start to be carried out.

Council Member Marshall made the motion to move this to Unfinished Business of the next Council Meeting.

MOTION: Boyd Marshall

SECOND: Casey Fitts

Roll Call Vote:

Fitts Aye

Gold Aye

Jones Aye

Marshall Aye

Rutter Aye

Turner Aye

Weaver Aye

2. Streetcar Draft Interlocal Agreement. This item was moved to the next meeting.

Council Member Rutter moved to adjourn to Closed Meeting to discuss strategy for the sale, purchase, exchange or lease of real property pursuant to Utah Code Annotated, 1953, as amended, Sec. 52-4-204 and Sec. 52-4-205(1)(d) and (e).

MOTION: Michael Rutter

SECOND: John Weaver

Voice Vote:

Fitts Aye

Gold Aye

Jones Aye

Marshall Aye

Rutter Aye

Turner Aye

Weaver Aye

The Council adjourned to Closed Meeting at 8:15 p.m.

In accordance with U.C.A. Section 52-4-204, 1953, as amended by Chapter 180, Laws of Utah, 1987, as amended, written minutes were made of the Closed Meeting held to discuss the sale, purchase, exchange or lease of real property. Such minutes are protected records under Title 63, Chapter 2, Government Records Access and Management Act.

Closed Meeting ended at 8:22 p.m. Council Members returned to Council Chambers.

Council Member Turner moved to adjourn.

MOTION: John Weaver
SECOND: Boyd Marshall
Voice Vote:
Fitts Aye
Gold Aye
Jones Aye
Marshall Aye
Rutter Aye
Turner Aye
Weaver Aye

The meeting adjourned at 8:22 p.m.

Casey Fitts, Council Chair

Craig D. Burton, City Recorder