

CITY OF SOUTH SALT LAKE  
CITY COUNCIL MEETING

COUNCIL MEETING	Wednesday, November 9, 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 Michael Rutter
SERIOUS MOMENT OF REFLECTION/ PLEDGE OF ALLEGIANCE	Council Member Casey Fitts
SERGEANT AT ARMS	Officer Ferguson

COUNCIL MEMBERS PRESENT:  
Casey Fitts, Ryan Gold, Michael Rutter, LeRoy Turner, and John Weaver

COUNCIL MEMBERS EXCUSED:  
Irvin H. Jones Jr. and Boyd Marshall

STAFF PRESENT:  
Mayor Cherie Wood  
Charee Peck, Chief of Staff  
Lyn Creswell, City Attorney  
Paul Roberts, Deputy City Attorney  
Kyle Kershaw, Finance Director  
Mike Florence, Community Development Director  
Frank Lilly, Deputy Community Development Director  
Glenn Smith, Urban Livability Director  
Troy Bennett, Parks and Recreation Director  
Myrna Clark, Granite Facilities Manager  
Ron Morris, Fire Chief  
Sharen Hauri, Urban Design Director  
Dennis Pay, Public Works Director  
Craig Burton, City Recorder  
Kayla Moss, Deputy City Recorder

OTHERS PRESENT:  
See attached list

**APPROVAL OF MINUTES**

**1. October 26, 2011 Regular Meeting.** Council Member Weaver moved to approve the minutes.

MOTION:	John Weaver
SECOND:	LeRoy Turner
<u>Voice Vote:</u>	
Fitts	Aye
Gold	Aye
Jones	Absent
Marshall	Absent
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. Carolyn Hendricks, 3751 South 300 West.** Ms. Hendricks has lived in her house for 54 years. She has not gotten any complaints from neighbors for how their property has been kept. She has only gotten complaints from Code Enforcement. They will be in court this month for citations they have received. Their current zoning is light industrial-residential. They were told a few years ago that if they put up a privacy fence they can have storage in their yard. They have that in place. They are now being told that they cannot have outside storage. She feels like her rights are being taken away. She asked the Council for compassion in adjusting some of the laws in place so that they can live there.

**Larry Papadopoulos, 2700 South State Street.** Mr. Papadopoulos had a small restaurant on this corner for many years and has recently replaced it with a small strip mall. The City started to put up Christmas lights on the street lamps about 10 years ago. He mentioned that they never work. He said that they are on during the day when you can't see them and at night when you can see them they aren't turned on. He thinks it is better to not put the lights up if they are not going to work.

**Garrett L. Pack, 223 East Winslow Ave.** Mr. Pack has lived here since 1957. He is glad that the bond was not passed. He is going to do everything he can to get the appropriate people in office. He is going to get involved. He feels like the citizens are getting taken advantage of. He would like to see private industry develop the Granite High School site.

**3. MAYOR COMMENTS. None.**

**4. CITY ATTORNEY COMMENTS.** Mr. Creswell passed out a draft of the Streetcar Interlocal Agreement. They are asking the Council members to carefully review and read this draft. It will be the subject of the work session next Wednesday, November 16.

**5. CITY COUNCIL COMMENTS.** Council Member Turner expressed his appreciation to the Mayor for the work that Dennis Pay has been doing dealing with a drug situation in a corner of his area.

Council Member Rutter thanked Mr. Espinoza and Mr. Siwik who ran with him in this election for the At-Large position on the Council. He is happy that people are involved and would like to see more people involved.

**6. INFORMATION**

- a. Land Use Code Re-Write.** Mr. Creswell advised the Council that he gave them a one page summary on this issue. A group of people have been working on this for some time. They asked Attorney Craig Call to look at the City's current code and give them a work plan to update it.

Mr. Call advised that his job has really been to look at the code with a 30,000 foot view to try to see where State law has been moved. The code has not been adjusted to accommodate State law. They also looked at where the code might interfere with sustainability practices. He came up with solutions for them to review and then the Council goes from there to make decisions on the matters.

Mr. Creswell advised that about 80% of what needs to be updated can be done fairly efficiently starting at the beginning of the year. The rest of it is significant policy discussions that will require a lot of interaction and education.

- b. Bond Budget Discussion.** Maura Carabello, of the Exoro Group, presented some election results to the Council. The results have fallen under the statutory requirements, a vote per precinct, so they have some choices. Between November 10<sup>th</sup> and 14<sup>th</sup> the provisional ballots are going to be processed by the County. November 15<sup>th</sup> is the deadline to request a recount. Then on November 22<sup>nd</sup> the Board of Canvassers meeting will be held for the certified results. Absentee ballots are also due on that day. Ms. Carabello speculated that there are about 180 ballots to still be counted. That was just a ball park number; it could be 30 or 50 too.

**Public Hearing - 7:30 P.M. (OR AS SOON THEREAFTER AS POSSIBLE)**

**Public Hearing to Consider an Amendment to the Zoning Map for Properties Located at 287 E 2700 S, 498 E 2700 S, 491-499 E 2700 S, 2712 S 300 East, and 2700 S Adams St. Petition is Made to Change the Zoning of the Property from Corridor Commercial (CC) to Commercial Neighborhood (CN). Application is Made by the City of South Salt Lake.** Frank Lilly, Deputy Community Development Director, advised that the public hearing before the Council is a request for a zoning map amendment. This was brought before the Planning Commission and they gave a unanimous recommendation that the zoning map is amended for the commercial nodes

along 2700 South East of State Street from Commercial Corridor to Neighborhood Commercial. The areas in question are the Palladium site on 2700 South, Meier and Meier Hearing Aids on the South Side of that intersection, 7-11 at Adams Street, a small cluster of stores on the corner of 500 East and 2700 South, and a former auto body shop that has had several different lives. Currently these parcels are zoned Commercial Corridor and the petition would change them to Neighborhood Commercial. Staff is seeking this change because they went through a General Plan process that designated these nodes as a more neighborhood oriented commercial. This is done for two reasons. First the uses in these nodes were more conducive, the second is the Commercial Corridor Zone allows for a potential mix of uses and hours of operation that have and could continue to cause a considerable amount of conflict between the uses that are perfectly legal, and the neighborhoods that are established and healthy and viable as well. Changing the zone would bring it into conformance with the General Plan. This zone change would not affect the hours of operation of existing businesses. They would be treated as non-conforming uses.

Council Member Rutter opened the Public Hearing for public comment at 7:40 pm.

**Lee Howard, 285 East 2700 South.** He has been co-owner of this location for over 35 years. He asked if Palladium will be able to continue on without the hour restrictions.

Mr. Lilly advised that they will be allowed to operate in the same manner that they currently operate. It will be treated as a non-conforming use.

Mr. Howard thinks that this is a pretty heavy thorough fare and thinks the neighborhood is going to be busy no matter what in that respect. He thinks the zoning may affect the value of their property in the future. He thinks the City needs to look at the ownership so that it doesn't devalue the property. He then left a document with the City Recorder to be entered into the record. A copy of that document is attached and incorporated by this reference. He hopes that they can come up with an equitable deal in the favor of both parties.

**David Jessen, 2700 South 600 East.** Mr. Jessen asked if the City of South Salt Lake has any regulations in place which require new construction to meet Lead Certification Standards and if not if there has been any consideration to write these in to make South Salt Lake a more sustainable community.

Mr. Florence advised that it is part of our General Plan. It does recommend sustainable practices and this whole next year the City is going to be updating the zoning code and looking at how to incorporate sustainable practices into that.

Council Member Rutter closed the Public Hearing at 7:46 pm.

Council Member Weaver has concerns about penalizing a property owner by devaluing the property by a change of zoning. He thinks that is a very important consideration in this decision. He also knows that there is a tension that exists between residential usages and business usages. He thinks some of the tensions seen before the Council have been

hours of operation and some of those conflicts that deal with the intensity of the usage. As the Council moves forward he thinks it would be prudent to try and balance those concerns as best as they are able. He doesn't know enough to be able to say if the zone change would negatively impact property values.

Council Member Weaver asked Mr. Florence and Mr. Lilly to provide further information about comparative property values and adjustments to zoning.

Mr. Lilly advised that they can look into that. One thing that staff believes is that the permitted use list in the Neighborhood Commercial zone includes such things as bakeries, barber shops, drug stores, dry cleaners, video rental shops, and restaurants and cafes. Maybe the question is whether the building can be marketed under the limited conditions. He believes, as a planner, that yes it could. He will look into comparables and report back.

Council Member Weaver made the motion to bring this back to Unfinished Business on December 7, 2011.

MOTION:	John Weaver
SECOND:	LeRoy Turner
<u>Voice Vote:</u>	
Fitts	Aye
Gold	Aye
Jones	Absent
Marshall	Absent
Rutter	Aye
Turner	Aye
Weaver	Aye

**ACTION ITEMS**

**Unfinished Council Business**

- 1. A Resolution of the City of South Salt Lake City Council Approving Amendments to the Consolidated Fee Schedule.** Mr. Roberts advised that there were no further changes to the Consolidated Fee Schedule since it was brought to the Council last meeting. He submitted a memo and changes regarding the malicious fire and medical responses and the nuisance fire alarms.

Council Member Weaver asked if they could take these items in opposite order. They then moved on to item number two of Unfinished Council Business.

- 2. An Ordinance of the City of South Salt Lake City Council Providing for the Collection of Fees Associated with Malicious Fire or Medical**

**Responses and Nuisance Fire Alarms.** Mr. Roberts advised that subsection “b” from 8.34.030 which had a list of the types of responses. There already existed a list. He then specified that the Administrative Law Judge is the appeal authority. He removed subsection “c” which talked about appeal procedures. There were some other technical changes made.

Council Member Weaver advised those in attendance at the meeting that the issue is one of using Police and Fire appropriately. An automated alarm system that is malfunctioning creates extra work if there are repeated calls. The City wants to have a mechanism in place to correct that. The alarm user would be fined on the fourth call within a year.

Council Member Weaver moved to approve this ordinance.

MOTION:	John Weaver
SECOND:	Ryan Gold
<u>Roll Call Vote:</u>	
Fitts	Aye
Gold	Aye
Jones	Absent
Marshall	Absent
Rutter	Aye
Turner	Aye
Weaver	Aye

The Council then moved back to item number one of Unfinished Council Business.

- 1. A Resolution of the City of South Salt Lake City Council Approving Amendments to the Consolidated Fee Schedule.** Mr. Roberts reviewed some of the changes that were made to the Consolidated Fee Schedule. These changes include fire fees, additional supplies for hazmat responses, a new fee involved in the courts for when the court receives a “gotcha”. This is when someone has a warrant out for their arrest files for a State Tax Return they direct the return to the court where the warrant is issued. Express Bill Pay also increased our fees for getting returned checks so the fee schedule increased the City’s fee for that as well.

Council Member Turner moved to approve this resolution.

MOTION:	LeRoy Turner
SECOND:	John Weaver

Voice Vote:

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

- 2. Street Car Interlocal Agreement.** Mr. Creswell recommended to move this to Unfinished Council Business on November 16, 2011.

Council Member Weaver made the motion to move this to Unfinished Business on the November 16, 2011 Regular Meeting.

MOTION: John Weaver  
 SECOND: LeRoy Turner

Voice Vote:

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

**New Council Business**

- 1. Hazmat/Bomb Agreements.** Mr. Creswell gave a document to the Council about this. As a result of legislative activity the League of Cities and Towns, working with Unified Fire and Salt Lake County, identified resources the County currently has that can be transferred to cities that provide services within their jurisdictions. Our Fire Department provides hazardous materials response for the City of South Salt Lake. There is funding that is collected from the County which they are now going to transfer to the City for that service. This agreement needs to be signed and executed by the end of the year in order for us to get our 2011 payment from the County. He has been working on this for six months and the draft handed out still isn't final but it is close enough. He is hoping to have the final by the first week of December. It requires the fire personnel that respond to these incidents be certified and the City will have to report certification to the County. It is basically a \$32,000 annual payment which would be ongoing after this.

Council Member Gold made the motion to move this to Unfinished Business on the December 7, 2011 Regular Meeting.

MOTION: Ryan Gold

SECOND: Casey Fitts

Voice Vote:

Fitts Aye

Gold Aye

Jones Absent

Marshall Absent

Rutter Aye

Turner Aye

Weaver Aye

Council Member Weaver 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: John Weaver

SECOND: LeRoy Turner

Voice Vote:

Fitts Aye

Gold Aye

Jones Absent

Marshall Absent

Rutter Aye

Turner Aye

Weaver Aye

The Council adjourned to Closed Meeting at 8:03 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 8:50 p.m. Council Members returned to Council Chambers.

Council Member Weaver moved to adjourn.

MOTION: John Weaver

SECOND: Casey Fitts

Voice Vote:

Fitts Aye

Gold Aye

Jones Absent

Marshall Absent

Rutter Aye

Turner Aye

Weaver Aye

The meeting adjourned at 8:50 p.m.

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Casey Fitts, Council Chair

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Craig D. Burton, City Recorder