

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, May 25, 2011
7:00p.m.

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

PRESIDING Council Chair Casey Fitts

CONDUCTING Council Member Irvin Jones, Jr.

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Council Member LeRoy Turner

SERGEANT AT ARMS Officer John Ferguson

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

COUNCIL MEMBERS EXCUSED:
Boyd Marshall

STAFF PRESENT:
Mayor Cherie Wood
Charee Peck, Chief of Staff
Lyn Creswell, City Attorney
Mike Florence, Acting Director of Community Development
Glenn Smith, Urban Livability Director
Craig Burton, City Recorder
Kayla Moss, Deputy City Recorder

OTHERS PRESENT:
See attached list

APPROVAL OF MINUTES

March 16, 2011 Work Meeting. Council Member Weaver moved to approve the minutes with a correction.

MOTION: John Weaver
SECOND: LeRoy Turner

Voice Vote:

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

Council Member Rutter abstained because he was not in attendance.

April 27, 2011 Regular Meeting. Council Member Rutter moved to approve the minutes.

MOTION: Michael Rutter

SECOND: Ryan Gold

Voice Vote:

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

Council Members Turner and Weaver abstained because they were not in attendance.

NO ACTION COMMENTS

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

2. CITIZEN COMMENTS/QUESTIONS. Bill Hauser, 353 East Lambourne Avenue. He heard the Council thought it was too expensive to do the waste container enclosures. He doesn't see any recycle containers in the apartment buildings. He's a concerned citizen who's trying to get the place cleaned up. Citizens have to clean up the graffiti or they get fined but it seems to be okay to have the couches hanging out of the dumpsters.

Council Member Jones believes the City has seen a major increase in livability since the new Mayor took office seventeen months ago. It's a big project that has been ignored in the past. The Council is trying to negotiate some different alternatives so that they can get enclosures and not make a hardship on owners.

The Council then moved to New Business on the agenda.

NEW BUSINESS

- 1. Approval for wild animal.** Acting Community Development Director, Mike Florence, advised the Council that the business Scales and Tails has been in the City since 2008. They are a reptile business that shows animals for parties, community events, Halloween parties, etc. When they came into the City there was some misunderstanding and they didn't come before the council for approval of their alligator, python or boa. In our ordinance the City Council has to approve any wild animals that come in the City. We haven't had any problems with them in the three years they've been in the City. Tonight they would like approval for a venomous snake (rattlesnake) because of some opportunities to get in the movie business and to add to their operations. Staff did an inspection of their business and made some recommendations if this were to be approved. Staff does have some real concerns if police and fire were called out as well as for general public safety.

Council Member Weaver asked if anyone knows how many "natural" rattlesnakes we have currently in the City.

Mr. Jeremy Westerman, of Scales and Tails, advised that the indigenous population of rattlesnakes in South Salt Lake has been eradicated historically but they are quite prevalent in the foothills to the east.

In answer to a question, Mr. Florence explained that the State Wildlife Board was under the assumption that the City Council had already approved the business to have a venomous snake so they went ahead and approved it as well. The lieutenant at the DWR had some concerns. He did not want to see it approved but the Board did approve it. Mr. Florence suggested that since the business does have an alligator, boa and python, the Council should also approve them as well if the Council deems it appropriate. The State will allow them to have two rattlesnakes at a time.

Council Member Jones asked if the City could be sued if a citizen got bit and Mr. Creswell answered that the City has governmental immunity.

Glenn Smith, Director of Urban Livability said that the DWR should be inspecting these businesses but they don't. That's a concern to him. Our animal services aren't trained to handle rattlesnakes or alligators and that concerns him.

Mr. Creswell suggested the City could contract with a third party to regularly audit and inspect these businesses and the City could get the report. That might be a condition for allowing this.

Council Member Weaver suggested the inspection could be done in-house if the inspection doesn't require the handling of the animals. The issue would be if one of the animals was loose and we send personnel over.

Mr. Smith agreed saying that is the problem also for police and fire if there's a burglary or fire alarm and we send personnel into that business without knowing what's in there.

Mr. Jones said he saw on the news that a snake rescuer is seeking location in South Salt Lake and asked if approving this would be opening a Pandora's Box.

Mr. Florence explained that the zone the individual wants to go in only allows animal hospitals. It was determined he is not a hospital but a reptile rescue business. If the zoning ordinance was changed and he was allowed to come in then, yes, the Council would be opening the door.

Council Member Gold said that the recommendations staff is making exceed what the City code requirements are.

Mr. Florence agreed. Staff recommends that the requirements be given in addition to what the code states.

Council Member Weaver feels this is a legitimate request and it represents a significant upgrade for the business. They have been here three years without incident and the likelihood of one is probably minuscule. If there's an incident there is medical recourse available and he feels the business has to adhere to certain professional standards in order to have a viable business. He doesn't see it as a terrible public threat.

Council Member Jones opened the meeting to citizen's comments on this issue.

Shane Richins, Business Owner of Scales and Tails. He explained that there are only two people in the State with a rattlesnake permit, he and Mr. Westerman. There is a third person who is a venom extractor. So, in case of an incident, there is an external handler who is experienced and ready to go and he's licensed to handle Scales and Tails snakes specifically. Mr. Richins handed out materials covering their experience, letters of recommendation and they also addressed each of the recommendations made by the Planning Commission, some they agreed with and some they didn't.

Jeremy Westerman, from Scales and Tails. He explained the business is entertainment and education. They go to schools and educate the public on how to live safely in an environment where venomous creatures are prevalent. A live rattlesnake would be a helpful educational tool for the public. The Wildlife Board approved them unanimously to own two rattlesnakes. He feels, with their experience and training that he and Mr. Richins are definitely qualified to handle the snakes.

In answer to Council Member Gold's question, Mr. Westerman explained that the snakes would not be presented at birthday parties. Their permit from the State allows them only to have them as display animals and only at large functions.

Birthday parties are against the State law. The snakes would be constantly behind a locked enclosure and never be exposed directly to the public so the danger is nil except in the event they get some film work and they have very stringent rules where there must be a barrier for the actors and things like that.

Becky Guertler, 5276 Ridge Flower Way, Salt Lake City, UT. They have known Mr. Richins for ten years and they love his shows. The shows they do are well guarded and they keep the children at a safe distance. They do a very good job.

Shirley Bybee, 320 East 1075 North, Springville, UT. She works for Scales and Tails. She recommends Mr. Richins as a reputable, conscientious, responsible business.

Jeff Pedersen, 1569 Longdale Drive, Sandy, UT. He has known Mr. Richins for ten years and has partnered together with their two businesses. They do summer camps and reptile shows. It has helped them both grow their businesses. He has no concerns about liability with Mr. Richins.

Renee Watts, 525 East Garden Avenue, South Salt Lake, UT. Her main concern is once you open the door for a very reputable business, how do you shut the door for those who aren't reputable?

Mr. Richins responded that the State has only allowed two variances for the rattlesnake venomous rule in Utah, their business and Mr. Jim Dick's reptile rescue business. No one else has a variance to have a rattlesnake.

Nathan Sackett, 9950 South Wimbledon Drive, Sandy, UT. He is an employee of Jeff Pedersen's wall climbing business and ran the summer camps for the past two years. Mr. Richins ran a show every Friday. Much of his show was educational on what to do and what not to do. He maintains a safe show.

Fenton Quinn, 2601 Rustic Road Drive, South Jordan, UT. He is a wrangler for the movies and has used Mr. Richins off and on for the past ten years with some of his other snakes. He has always been extremely professional. He's made sure everybody has always been safe. He has had no problems with them.

Mr. Florence advised that he hasn't seen Mr. Richins recommendations that he believed were impractical or not.

Council Member Weaver moved to place this item on Unfinished Business on the next Council Meeting of June 8, 2011.

MOTION: John Weaver
SECOND: Michael Rutter

Voice Vote:

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

The Council then moved back to No Action Comments on the Agenda.

NO ACTION COMMENTS

3. MAYOR COMMENTS. Mayor Wood reported that she had been at the International Council of Shopping Centers convention this week. The Council will get an update at the next RDA meeting. Mayor Wood was also recognized as one of the “Thirty Women to Watch” by Utah Business Magazine.

4. CITY ATTORNEY COMMENTS. Mr. Creswell advised the Council that the federal government is withdrawing funds for meth lab cleanups. Deputy Attorney, Paul Roberts, met with Salt Lake County today to identify what resources they have. He reported that the County will do health inspections but has no resources for cleanup. The consequence for the City is if a meth lab is identified in the City it will be boarded up. Mr. Roberts is looking at some other options to force property owners to clean up or remedy the problem.

Mr. Creswell reviewed the Council dates involved for voting on the general obligation bond to purchase Granite High School.

Mr. Creswell, Sharen Hauri, Urban Design Director, and Dennis Pay, Public Works Director all signed the Sugar House Streetcar Partnering Charter. It commits the UTA, Salt Lake City, and South Salt Lake to work collaboratively together towards a realization of the streetcar project.

Lastly, Mr. Creswell handed out a sheet of short and mid-range objectives that the attorney’s office is working on.

5. CITY COUNCIL COMMENTS. Council Member Rutter congratulated the Mayor on being one of the “Thirty Women to Watch.” He reported that a citizen had expressed concern about the semi-trucks that park on State Street at 3007 South. They are blocking the vision of people trying to turn onto State Street.

Council Member Gold congratulated the Mayor for being one of the “Thirty Women to Watch.”

Council Member Jones said he saw the news report regarding the City giving a courtesy notice to a resident to cut his lawn. He thought it was a balanced report. He thought it

turned out to be a positive for the City. He also suggested getting the City up on Facebook or some other social networking page.

Mayor Wood advised that once the new website is up and going the social media will be the next project. The City has pages but aren't utilizing them yet.

UNFINISHED COUNCIL BUSINESS

- 1. **An ordinance establishing temporary land use regulations for City economical development areas.** Mr. Creswell advised that staff needs more time to prepare and he asked that the Council continue the item until staff is ready to bring it back.

Council Member Weaver moved to place this item on Unfinished Business when staff is ready.

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

- 2. **An ordinance of the City of South Salt Lake Council amending Chapter 17.0.090 of the South Salt Lake City Municipal Code regarding landscaping in all zones.** Mr. Florence passed out a memo from the South Salt Lake Chamber of Commerce regarding the proposed landscape ordinance. He suggested that the Council put it on a work meeting to look at doing something a little different with it.

Mr. Florence explained that they wanted to develop an ordinance that was a little bit more specific. Right now the current ordinance states that ninety percent of the landscaping has to be in grass, trees, shrubs and bushes. Ten percent can be landscaped in something else. It's not very specific. When he meets with a developer they want to know exactly what they can do with their landscaping. They're used to working with cities that tell them how many trees they can have. We tried not to go that far. Some of this was requested by business owners. They want to do more of a xeriscaping. Mr. Florence again suggested taking this to a work meeting and addressing each Council Member's concerns.

The following is a verbatim transcript of the discussion.

Council Member Weaver: Again, in the interest of time, I think that it might be more productive if we were to share the nature of the concerns that we have currently, briefly, just kind of by category. That way city staff has an opportunity to wrestle with those things before taking it again to a work meeting and trying to hash it all out there.

Just to give you a heads up, just to get a feel for what some of the concerns are, here's just a few things that jumped out at me. On the definition section you have invasive weeds and then the definition is anything that's listed as a weed on any federal, state, or county government database is a noxious weed. The problem with that is our country spans multiple time zones and climate zones and virtually every plant in existence is going to be considered a weed somewhere. So, it really, from a landscape architecture prospective, I've been lead to believe that a weed is a plant there where you don't want it. So, I think that that definition is problematic, especially from a resident or a business owner perspective as technically you could never win that one.

The other thing is the, you know, landscaped area definitions. It says, well that's rocks and boulders and whatever are included here but only up to thirty-five percent in a residential or only up to twenty-five percent in commercial, mixed use, light industrial, and other zones. So, it seems a little problematic in the sense that when is a rock just a rock, and when is it landscape, and assigning percentages like that, it just seems odd.

Mr. Florence: When an architect, when they give me a... Most of this ordinance is going to apply for new construction. And really, an architect, when they submit a landscaping plan, they have... That's easy for them to calculate that. They can calculate what the two year growth period will be and what the rock mulch will be, that's not too difficult for them to do.

Council Member Weaver: Understood, and again, that's in professional application. The problem is it doesn't make any distinction for a resident. So, in order for a resident to comply with this, they then are really required to hire professional services rather than... In other words, I've done landscaping in my yard, that if I had to comply to these regulations, I would never have done it. It would be far more easy and cost efficient for me to mow weeds and keep them just under six inches to keep the City out of my hair, rather than make any improvements to the property. Now I've chosen not to go that route, and I do have landscaping and lawn, and rocks and flowers and birds and chipmunks and squirrels and all the little forest creatures but the idea is that when we set these things up, I just see that as problematic because, in a way, it incentivises non-action for a certain segment of the population.

I have no idea what the phrase "intensification of property" means. It's used several times. I've tried to look it up, it's just, it's jargon. I have no idea what that means or why it's being used here. There's a part of this that's kind of an unfunded mandate and it requires bonding and it's unclear as to whether that

applies to a citizen or a business or... The way it's written it's universal. So you kind of get a feel for some of the concerns.

Mr. Florence: Yeah. Normally, when a business, when a new business comes in, when they bond for curb, gutter and sidewalk, we also have them bond for landscaping so it'll go in.

Council Member Weaver: And again, you mentioned that you didn't want to be as precise as some other areas but, I mean candidly, when there's specific instructions about the caliper measurements on trees and the plan has to include twenty feet into my neighbor's property that I submit, that it specifies that I need to designate the location of every plant and give both its common name and its technical name... And again, it seems, in many regards, really burdensome. So those are some of the concerns that I had. I think that it would be prudent, that if we're serious about pursuing this, that it go to a work meeting to be discussed but that should give you some flavor at least of where I'm coming from. I don't pretend to speak for the others.

Council Member Rutter: Mike, where did the language come for this? Is this you guys? Is this the original from us or did we get it off from a government or something?

Mr. Florence: No, Larry... Pretty much ninety percent of it's from West Jordan's landscaping ordinance.

Council Member Weaver: Okay. There's another reason to discuss it.

Council Member Jones: Anymore questions?

Mr. Florence: I do struggle with the percentages. I have to have some measurement to tell people that so much percent could be in your mulch or xeriscape, or whatever we call it. Nobody's going to go out there with a tape measure on a residential property and calculate... You know, they'll give us a plan, we'll review it and give it back to them but... I do struggle a little bit with percentages because I have to have some way of measuring.

Council Member Weaver: I guess the question is, is that our role? Do we really need to get into the business of measuring different...

Mr. Florence: No, but we do have... we don't want a whole front yard to be just rock so we do have to have some standard set to...

Council Chair Fitts: It sounds like we have lots of great questions for a work meeting.

Mr. Florence: Do you want me to put something together and get back to you then we'll schedule a work meeting?

Council Member Weaver: I would like you at least to clean up what you think needs to be cleaned up based on comments etc. and throw it back at us.

Council Member Turner: Could I make a comment? The percentages seem to be a hang-up for most of us. Could you do something in the way of ranges that we might have some flexibility but yet we can still deal with and you can deal with?

Council Member Rutter: For instance, you say you do not want a front yard of all rock. Well, then you just say that. We will not accept a landscape of all rock. Come back and we'll approve it if you've got something else and if we don't like... Can we do something like that? That's real simple.

Mr. Florence: People, residents and business owners, like me to give them some specific direction. Our ordinance right now, ninety percent grass, trees, shrubs, bushes... I have a lot of business owners that hate that. They want to save water but they don't mind putting in bushes and shrubs but they want to put in a different species with some... at a certain percentage. But there's hundreds of landscaping ordinances.

Council Member Rutter: Rock with about ten different little bushes that are water tolerant.

Mr. Florence: Well, I'll start doing some research on this and bring something back for you.

Council Member Weaver moved to move this to a work meeting for further discussion at a time determined by City staff.

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

Council Member Rutter: Mike, just a point of personal privilege. Just because I lived there for twenty-six years, I know a little bit of what I speak. You might check some of the Arizona statues because they are so heavy on water conservation that they may have some direction that would give us help here.

3. **An ordinance vacating a public right-of-way (Parcel 16-31-254-044) located I the Lincoln Park Subdivision (P.U.D.) running between lots twelve (12) and thirteen (13) of said subdivision.** Mr. Florence advised that he has now put the

vacating of the small public right-of-way in ordinance form so the Council could vote on it.

Council Member Rutter moved to pass the ordinance.

MOTION: Michael Rutter

SECOND: John Weaver

Roll Call Vote:

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

NEW COUNCIL BUSINESS

- 2. Final subdivision approval for a five (5) lot commercial subdivision located at the Meadowbrook Trax Station park and Ride or approximately 3900 S. west Temple. Application is made by Meadowbrook Real properties.** Mr. Florence advised that UTA is looking at redeveloping their park and ride at 3900 South West Temple. The section of the park and ride closest to West Temple rarely fills with cars. It was always UTA’s intent to do something with that area. They want to subdivide that parcel into five separate lots. They’re looking at building a 110 unit apartment building, a two story office building and classroom space for the Salt Lake Community College, retail space, and a parking structure. Tonight they are just seeking final approval for the subdivision. The Planning Commission recommended approval knowing that at a later date the other uses will need approval.

Council Chair Fitts advised that if they approve this it will be said that the Council is approving apartments. They are not talking about an apartment building in the middle of residential communities. They are talking about one right next to a TRAX station which he thinks is very much in harmony with the vision the Mayor is trying to create. The building is right next to TRAX but is also across the parking from a community college. He thinks that’s intuitive planning. It makes sense.

Council Member Rutter asked if UTA plans on owning the property.

Mr. Russ Naylor, representing the project, and is designing the office and classroom building, explained that the property is being developed by UTA in partnership with a developer selected. The partnership between them is the Meadowbrook Real Properties LLC. He doesn’t know if this will be a long-term ground lease or if UTA will sell the property.

Council Member Rutter asked Mr. Naylor to come back with the answer.

Mr. Naylor explained that they are just asking for the legal delineation of the lots. They expect approval from the Board of Regents to move forward with the Community College building the middle of next month and expect to be filing for permits by late summer. In order to get the project financed they've got to have a legal lot that they can build on.

Mr. Florence advised that the City has a good TOD ordinance that has some specific architectural requirements. He's confident about it. Any buildings that are built will have to meet some specific standards before they are approved.

Council Member Weaver advised that this is exactly what the Transient Oriented Development Zone was designed to do. It makes sense to him. He's in support of it.

Council Member Weaver made the motion to move this item to Unfinished Business on the next Council meeting.

MOTION: John Weaver
SECOND: LeRoy Turner

Roll Call Vote:

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

Council Member Weaver moved to adjourn.

MOTION: John Weaver
SECOND: Ryan Gold

Voice Vote:

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

The meeting adjourned at 8:17 p.m.

Casey Fitts, Council Chair

Craig D. Burton, City Recorder