



CITY COUNCIL

SHARLA BEVERLY
RYAN GOLD
IRVIN JONES
KEVIN D. RAPP
MIKE RUTTER
DEBBIE SNOW
ROY TURNER

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE CITY
UTAH
84115
P 801.483.6027
F 801.464.6770
TTY: 711

**CHERIE WOOD
MAYOR**

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE CITY
UTAH
84115
P 801.464.6757
801.464.6770
TTY: 711

**South Salt Lake City Council
REGULAR MEETING AGENDA**

Public notice is hereby given that the **South Salt Lake City Council** will hold a Regular Meeting on **Wednesday, May 14, 2014** in the City Council Chambers, 220 East Morris Avenue, commencing at **7:00 p.m.**, or as soon thereafter as possible.

Conducting: Debbie Snow, District At-Large
Council Chair: Irvin H. Jones, Jr.
Sergeant at Arms: John Ferguson

Opening Ceremonies

- | | |
|--|-------------|
| 1. Welcome/Introductions | Debbie Snow |
| 2. Serious Moment of Reflection/Pledge of Allegiance | Ryan Gold |

Approval of Minutes

- | | |
|-----------------------------|--------------------------------|
| April 23, 2014 Work Meeting | April 23, 2014 Regular Meeting |
| April 30, 2014 Work Meeting | April 30, 2014 Special Meeting |

No Action Comments

- | | |
|--|---------------|
| 1. Scheduling | City Recorder |
| 2. Citizen Comments/Questions | |
| a. Response to Comments/Questions
(at discretion of conducting council member) | |
| 3. Mayor Comments | |
| 4. City Attorney Comments | |
| 5. City Council Comments | |
| 6. Information | |
| a. Greece vs. Galloway | Paul Roberts |
| b. Contract Prosecution | Lyn Creswell |
| c. Down Payment Assistance Program | Frank Lilly |
| d. Potential City Grant for a Vacant Home Rehabilitation
at 2112 South Roberta Street | Frank Lilly |

Action Items

Unfinished Council Business

- | | |
|---|--------------|
| 1. Reconsideration of the Vacation and Alteration of a Portion of Truman Avenue, Burton Avenue and Alleyway, Previously Approved with Conditions on March 12, 2008. | Paul Roberts |
| 2. Business License Fees | Paul Roberts |

New Council Business

- | | |
|--|--------------|
| 1. Salt Lake County Homeless Service Fund | Lyn Creswell |
| 2. Thackery Garn 700 West Development | Frank Lilly |
| 3. An Ordinance of the City of South Salt Lake City Council Amending Section 12.52.080 Permitting the Replacement of City Trees which have been Destroyed or Removed | Paul Roberts |
| 4. Amending and Updating the South Salt Lake Municipal Code Title 2 Regarding the Retirement Contribution of City Council Members | Lyn Creswell |
| 5. Administrative Code Changes | Lyn Creswell |

See Page Two for Continuation of Agenda

- 6. Discussion to Start Developing a Request for Qualifications (RFQ) for Fire Contract Services

Irvin Jones

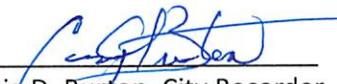
Motion for Closed Meeting

In accordance with State Statute and Council Policy, one or more Council Members may be connected via speakerphone.

Those needing auxiliary communicative aids or other services for this meeting should contact Craig Burton at 801 483-6027, giving at least 24 hours' notice.

Each of the Deseret News and Salt Lake Tribune was advised of the Agenda of the Regular Meeting of the City Council to be held Wednesday, May 14, 2014, by fax transmittal of the foregoing agenda on Friday, May 9, 2014.

Craig D. Burton, City Recorder
Dated this 9th day of May, 2014



 Craig D. Burton, City Recorder

Citizen Comments/Question Policy

Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. When a member of the audience addresses the Council and/or Mayor, he or she will come to the podium and state his or her name and address. Citizens will be asked to limit their remarks/questions to five (5) minutes each. The conducting Councilmember shall have discretion as to who will respond to a comment/question. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks. Some comments/questions may have to wait for a response until the next regular council meeting. The conducting Councilmember will inform a citizen when he or she has used the allotted time. Grievances by City employees must be processed in accordance with adopted personnel rules.

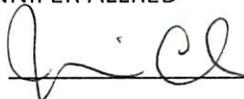
CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

The undersigned, duly qualified and acting City Recorder of the City of South Salt Lake, does hereby certify that on the 9th day of May, 2014, pursuant to Utah Code Annotated Section 52-4-202 (1953), as amended, there was posted (at least 24 hours prior to the meeting time) at the regular meeting place of the City Council of the City of South Salt, written notice of the Agenda or the Regular Meeting of the Council, a copy of which is attached and incorporated herein as Exhibit "A". The undersigned does further certify that there was mailed or delivered to all persons shown on Exhibit "B", Notice of Agenda of the above mentioned regular meeting, a copy of which is attached hereto and incorporated herein.

Name: CRAIG D. BURTON
Title: CITY RECORDER

Signature: 

Witnessed the 9th day of May, 2014 by
Name: JENNIFER ALLRED

Signature: 

MOTION: Michael Rutter

SECOND: Kevin Rapp

Voice Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Aye

Turner Aye

April 23, 2014 Regular Meeting. Council Member Rapp moved to approve these minutes.

MOTION: Kevin Rapp

SECOND: Sharla Beverly

Voice Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Aye

Turner Aye

April 30, 2014 Work Meeting. Council Member Beverly moved to approve these minutes.

MOTION: Sharla Beverly

SECOND: Michael Rutter

Voice Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Aye

Turner Aye

April 30, 2014 Special Meeting. Council Member Gold moved to approve these minutes.

MOTION: Ryan Gold

SECOND: Sharla Beverly

Voice Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

NO ACTION COMMENTS

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

2. CITIZEN COMMENTS/QUESTIONS. **Leslie Jones, 235 West 3680 South.** She invited everyone to come and participate in the 4th of July activities. There will be a 5k fun run, the parade and food and games in Fitts Park.

Mike Katsanevas, 130 East 3300 South. He wanted to know what the business license increase was going towards.

Council Member Snow answered that is was going to fund public safety raises.

Mr. Katsanevas said that South Salt Lake has the second highest sales tax rate in the County. They have the fourth highest property tax rate. The City continues to add more burden to the business community. By doing this the businesses become less competitive. It's cheaper to shop elsewhere than in South Salt Lake. He feels the City has poor money management. They collect a lot of money but don't spend it correctly and they make the public safety folks suffer. He asked the City to trim their budget and quit "going to the well." He suggested putting together a Council and business committee to look at the issues and get ideas from both sides that could benefit each other.

3. MAYOR COMMENTS. Mayor Wood was excused tonight. She is out of town.

4. CITY ATTORNEY COMMENTS. None.

5. CITY COUNCIL COMMENTS. Council Member Rapp advised that on the City's website the RDA and Council Work meetings were not announced on the event calendar. People also can't view the Regular Meeting agenda from the calendar and have to hunt for it. Also, one of the map links brings up Albuquerque, NM instead of the City.

Council Chair Jones advised that the Work Meeting next Wednesday, May 12 will include discussion on the budget and business license fees.

Council Member Gold thanked everyone who participated in the Comcast Cares Day of Service.

Council Member Rutter remembered the Hser Nay Moo murder that took place in the City. Today was the sentencing of the perpetrator. He is grateful for the City's public safety departments.

6. INFORMATION.

- a) **Greece vs. Galloway.** Deputy Attorney, Paul Roberts, advised the Council that the U.S. Supreme Court issued its ruling on this issue regarding legislative prayer in a town council meeting. The Court ruled that a legislative body can begin their meeting with a prayer.

Mr. Roberts reviewed the Council Rules of Procedure regarding the serious moment of reflection. On whole the rules are in compliance with the Supreme Court's decision.

- b) **Contract Prosecution.** City Attorney, Lyn Creswell, advised that the Attorney's Office is contracting out the prosecution portion of their office. He introduced Tracy Cowdell and Chad Woolley with Cowdell and Woolley, P.C. Their company has contracted with City to provide these services. This will provide more consistency, a modest budget decrease, and frees up Mr. Roberts to focus on his civil duties. This will take effect on June 1, 2014.

- c) **Down Payment Assistance Program.** Deputy Community Development Director, Frank Lilly, reviewed the program parameters with the Council. He asked for some direction from the Council.

Council Member Rapp felt that it should only be for single family homes. They don't need any more apartments and he doesn't feel they should be supplementing someone's business venture, which is what a duplex is.

Council Member Snow agreed.

Mr. Lilly advised that there are enough single family homes that need good home owners that they can easily accommodate that but an owner occupied duplex does not have the calls to service that a non-owner occupied duplex has. Owner occupied duplexes can be good neighbors. It can be a good way to get into the home ownership market by living in one unit and renting out the other.

Council Member Turner feels they should fund single family units.

Council Member Rutter advised that he is the owner of an owner occupied duplex. He feels they should look at it on a case by case basis.

In a straw poll the Council was in favor of limiting the program to single family homes.

Darin Brush, of Community Development Corporation (CDC) Utah, advised the Council that he agrees with the policy and he's seen it work well. He reminded the Council that they have to maintain the files the entire time. They just don't

happened and then are forgotten after they are closed. There's work that has to be done afterwards for some period of time. He asked the Council to think of this as a long-term horizon program. They are putting permanent notes out there for families and they will require some work in the future.

- d) **Potential City grant for a vacant home rehabilitation at 2112 South Roberta Street.** Mr. Lilly advised that seventeen years ago the Council allocated some money toward helping people get into housing. It was a lease to own program. The program ended just at the depths of the housing crises and the families were not ready to take on ownership of the homes they had leased. CDC stepped in and helped these people assume ownership of the homes. In the end the City got the money back plus interest and equity. They have found a home on Roberta Street that they would like to use some of these funds to rehabilitate. In order to use the funds from this program they have to prepare a study and hold a public hearing and give the Council a chance to direct staff on the allocation of funds for the home. A number of agencies and entities are participating in this home. CDC has prepared a proforma and the amount they are requesting is not to exceed \$24,000 dollars.

Mr. Brush advised that the home was appraised at \$115,000 dollars and is seriously dilapidated. It needs a lot of work but it would cost a lot more to level and start over. It was an FHA financed home that the household lost and abandoned it in the process.

ACTION ITEMS

UNFINISHED COUNCIL BUSINESS

- 1. **Reconsideration of the vacation and alteration of a portion of Truman Avenue, Burton Avenue and Alleyway, previously approved with conditions on March 12, 2008.** Council Member Turner moved that they reconsider this issue.

MOTION: LeRoy Turner
 SECOND: Michael Rutter

Roll Call Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

Deputy Attorney, Paul Roberts, advised that in 2008 the Council approved this vacation with the stipulations that the applicant would have to acquire a certain number of parcels. To date the parcels have not been acquired by the prior owner or current owner. The property has changed hands and the current owner would

like the Council to reconsider this and scale it back, leaving in place more of the streets than was initially going to be vacated. They would also like the conditions removed that they acquire the additional properties. The reason the properties were going to be acquired was they didn't want to vacate a street in front of a home that was going to remain there. They want to give them access to the public right-of-way.

Bruce Baird, Legal counsel for the applicant, advised the Council that the property has not changed hands, only the dealership. The current owner of the dealership rights has a lease on the property and an option to buy it. Mr. Baird said he read a letter from an opponent of this action and he wanted to address the issues raised. The letter from Mr. Craig Cook is attached to these minutes and incorporated by this reference.

Mr. Baird said first, this is the same owner and same applicant. Second, why can't Hinckley stay as is and continue to thrive? The world has changed and dealerships won't function under the current configuration. At any functioning, high value dealership you will see an extended frontage and a large amount of car storage. If this vacation doesn't occur this dealer will not exercise the option to buy the property and the dealership will move and all of the jobs and tax revenue the dealership currently brings in to South Salt Lake will be gone essentially tomorrow. There is no doubt about it. That is the way it is. They have been working closely with the City and they believe they are working on a package that will make the dealership grow. They have a multi-phased plan for extension. This dealership will not function in its current configuration and it will move. The reason to consider this is that the condition has changed. It has to be reconsidered to diminish the vacation. If they were increasing the vacation he would agree that the new statutory rules would control. You can't increase without starting all over again but you can decrease them once they've begun and that's the issue here. Other issues in the letter claim there was improper notice but the old law controls, not the new law. But even then people who are claiming they didn't have notice have proven they have because they have objected to this. There are arguments the cul-de-sacs will decrease property values. His experience is they increase value. There are arguments about safety. The City staff has said the vacation will be safe. He feels this will be in the best interests of the City.

Council Member Turner asked if Chrysler has an imposition on a dealership to have 6.2 acres to function.

Mr. Baird didn't believe it was a Chrysler specific imposition it's just a matter of financing. Chrysler has made it clear they don't like the current configuration. His client has found other property which has good street frontage with a contiguous area.

Council Member Turner said that when it was considered the first time one of the issues was the neighbors didn't want the large trucks delivering cars on their roads.

Mr. Baird said with this new configuration the primary access for the vehicles would be off State Street.

Council Member Turner advised that before they voted on it the first time, he and Council Member Bruschi contacted neighbors door to door on Burton, Truman and 200 East and there was only one person they talked to that wasn't in favor of it. The comment he kept hearing was they didn't want that traffic racing off State Street taking a short cut onto their street. They wanted a peaceful and quiet neighborhood.

Council Member Rutter advised that the General Plan discusses a buffer zone between Main Street, State Street, 200 East, and West Temple and this project was identified as a perfect buffer because it eliminated traffic going into the neighborhoods. It eliminates traffic in one direction but the majority of the people appreciated the fact it eliminated traffic going through. All the information he's received was that when you make a cul-de-sac values and safety go up. There's not a negative part of closing a street if done properly. The Fire Department came and said they would have space to turn around. He recalls the Police were in favor of this also. Everything that was planned then seems to be on the board now to have a good business in the City and to make the neighborhoods safer and better.

Council Member Rapp asked if the other phases of this development include buying up and changing the homes in the area to more commercial.

Mr. Baird said there is a potential if people are willing to sell. He can't say whether it will happen or not. It's not in the current plan.

Council Chair Jones asked if the zoning they are not vacating, that is currently residential, will stay residential and commercial will not be able to creep without a zoning change.

Mr. Lilly advised that is correct. The project build out does not anticipate taking up any land that hasn't been zoned commercial already. The property owner actually owns two homes, one on Burton and one on Truman that are already under their control that were considered as part of the dealership reconfiguration last time and are zoned appropriately.

Mr. Baird showed on a map their plan for truck access to the business.

Council Member Rutter asked if residential or community property is more valuable.

Mr. Lilly answered commercial property.

Council Member Rutter asked if the dealership wanted to expand and some of the homes were re-zoned commercial would it make their property more valuable.

Mr. Lilly said historically, that has been the case.

Council Member Gold asked if the crash gates would be used for emergencies only or would they be a turnaround for the trucks.

Mr. Baird said they might need to use it to access the vehicle storage so the truck would be coming past one or two houses as opposed to all of the houses and then parking there.

Council Member Gold advised that the concerns are the trucks going up and down the street.

Mr. Baird said he can guarantee it will be better than it is now.

Council Member Turner expressed concern about the trucks going through the crash gate and getting far enough in to make the ninety degree turn back into the dealership facilities. He wondered if they have given thought to any redesign there so they could get in without pulling onto Truman Avenue. When they open the crash gate they open the potential to use Truman Avenue.

Mr. Baird said they are working on those details with staff currently. They won't make it worse. It will be better.

Council Member Snow said it appeared the cul-de-sac effectively closed it off but now they're talking about a gate that doesn't close it off. She wonders if that doesn't negate any potential benefit by not clearly delineating between commercial and residential.

Mr. Baird said it won't be open except for periodic use of the trucks so there won't be any day to day, hour to hour street traffic. Second, the gates will be closed other than for emergency access and as necessary which will be very irregular; three to four times a week.

Council Member Snow asked if the dealer is still open to the idea of going further up the street so they can access their back lot there and still cul-de-sac off the neighborhood.

Mr. Baird said they can only buy what someone is willing to sell.

Council Member Snow wondered if it doesn't make sense to turn the alleyway into a two way street.

Public Works Director, Dennis Pay, advised that that won't work because the loop was put in when I-80 was constructed and at 2400 South it narrows down to where it is only one-way. They couldn't make it two-way in that area.

Economic Development Director, Randy Sant, advised the Council that they will lose \$100,000 in sales tax if the dealership moves. He has met with Mr. Baird and the dealer. It's not a threat, it's just the opportunity. He does have another piece of property that is outside of South Salt Lake. The bottom line is if he does move,

the City loses \$100,000 in sales tax. The dealer feels the reconfiguration will allow him an opportunity to sell more cars. If he leaves they will be back here having the same discussion with anybody else about these streets. They could get a used car lot but not a dealership. He is one of the City's top twenty sales tax producers. If they do not move forward with this the dealer will leave and they will have another vacant lot there. He feels there is a significant impact if this dealer does move.

The Council opened the meeting up to public comments.

Martin Van Nood, 165 East 2400 South, #3. He is amazed the Council is considering giving the street to a car dealer that is leasing the property and may or may not stay. It creates three dead ends. He is totally against it. If there's a catastrophe on 200 East somewhere they will be trapped. He suggested they don't give into everything the dealer wants. Just give them Truman Avenue. That way there wouldn't be any public safety issues. He doesn't want to see the residents passed over for a car dealership.

Craig Cook, 3645 East 3100 South. He owns property at 154 East Burton Avenue and 155 East 2400 South. He feels it's un-American for the dealership to come in and say, "We're going to move, you've got to do it. We don't care about all the people in the area, we are the dealer and you have to comply or you're going to lose tax money." That seems to be not letting the majority rule but letting the car dealer rule that has done nothing for six years. Back in 2008 Mr. Hinckley was saying the same thing. He doesn't think legally this is a proper proceeding. When the petition was granted in 2008 and they were given time to purchase the house and they didn't even try, they waived their right to do this. If you grant a building permit you have to build. You can't go six years and all of a sudden just raise it up out of the blue. The dealer is leasing from Hinckley and may pack up in a couple of years and people who have lived here for years are being affected by this plan. The new statute requires that you determine there is no harm to the public or individuals. The City isn't talking about that. The 2008 statute didn't require that. He feels Mr. Baird just wants to tack on the 2008 proceeding and just make it a continuation six years later. He doesn't think you can do that. The people are entitled to have their say. They are not talking about cul-de-sacs they're talking about closing three different roads. People will have to go over to Wentworth to get out to State Street. All the traffic will end up there. No one has considered the traffic mess and congestion. It takes two minutes longer for public safety to get into the area if these roads are closed. The City will isolate this area for the sake of a car dealer who may disappear tomorrow.

Elena Cook. She is a realtor. With this plan the City will land lock all these people, close down the streets, send them to Wentworth, and create a bottleneck all around the area. That's un-American. They love their \$100,000 dollars. What about the people's money? Property values will plummet, people will move, and blight will be everywhere.

William Arasuma, 176 East Truman Avenue. He's been a property owner for seventeen years and owns the two homes next to him on the east. If you're a home owner in South Salt Lake it has been tough to try and rent. One of the benefits of Truman is the access to State Street and I-80. You can't get across State Street at Wentworth like you can at Truman. It will create congestion and will bottleneck everyone. Hinckley Dodge trucks come Monday through Sunday. He questions why they needed the access they were requesting off of Truman. He calls Truman test row. They come out of the parking lot, rip up and down 200 East, up and down Burton. It's constant. Dead end streets are going to become a turn around. He is opposed to this and doesn't think it's a good idea.

Kim Kasey, 167 East 2400 South. She asked if the street property would be deeded to Hinckley and he wouldn't have to pay for it.

Mr. Roberts explained that when a subdivision is initially platted they dedicate the roads to the public use so the City didn't purchase them. As long as the public uses them the City controls them. When the City decides it doesn't need them, or a portion of them, for public use anymore, they didn't buy them so they can't sell them. The City gives them back to the abutting property owners on either side of the road.

Ms. Kasey disagrees with that. They pay taxes on the roads but the dealership gets a break on not having to buy the property. As far as she can tell there won't be any pedestrian access once the roads are close. People will have to walk all the way around. The City needs to take into consideration those who don't have cars.

Lisa Trevino, 140 East Burton Avenue. She's not sure if she's for or against it. One of her big concerns is she didn't know anything about it when she purchased her home and she looked on the City website to see what was going on in the area. One of the reasons she chose to live here is because she finds what the Mayor and Council are doing here is positive. But she's had some frustrations with the City website and then not having information available that took place in 2008 when they had to apply for a permit to live here. She is concerned about the City's plans to develop these areas, how they are going to look, how they are going to be maintained, and how they're going to be held accountable for the restrictions on the larger trucks that are driving up the streets. She walks her dog through these streets every day and she sees the big trucks every morning parked, idling, and driving and it's terrible for the residents. She also asked when people will get additional information on what the phases are of the project.

Mr. Lilly, said he's not sure what the application process will be yet. It depends on what they are going to do and when they are going to do it.

Ms. Trevino advised that the current property the owner has looks terrible. The grass is high and they don't maintain it. There are weeds growing all around the back area. If that's representative of their future plans she'd like to know how they're going to be held accountable for that. She was told there will be a sidewalk on Burton Avenue but she's not sure how the people on Truman will get

to State Street. She is concerned about access for emergency vehicles to her house. She is also concerned about air quality. The more cars they let in this area the more cars they will have idling during wintertime to get the snow off

Gene Baiorschmidt, 1323 Blair Avenue. He owns property at 128 Truman Avenue. One of the main things when people rent is accessibility. He feels it's important to maintain the access to State Street. It's almost a half a mile to get out to Wentworth. They will be creating a congestion problem and gridlocking the entire neighborhood. It shouldn't be just about the money. The residents are important. The taxes from the residents that will be affected are probably more than \$200,000 dollars a year. Since it has been six years ago he feels the City needs to consider the entire project again. It's not going to help the residents. He thinks the City has been threatened this evening.

Pat Birch, 142 East Truman Avenue. They are definitely affected by this. They will be sacrificing a lot of convenience and access. Their house was one that was considered to be purchased by Mr. Hinckley and at the time they said they would have a sidewalk going through so the people would have access to State Street and reach the bus stops. She doesn't know if they're still considering that. The trucks park about six inches from the fence of the last house. There is no buffer zone at all. Before they had a buffer zone and she hasn't seen anything that says there will be a good buffer zone and it concerns her. The trucks come up from State Street right now and backup to go to the delivery area. She thinks they will have to be some kind of contortionists to accomplish that coming from the other access street. She doesn't see how they can do that with a cul-de-sac there. There is a large vacant lot across the street from her where they were going to put a parts department. Employees from the dealership park in that lot all the time. It's not surfaced. It's just a dirt lot with weeds growing in it. If they make these changes how will the employees get to this parking? Are they still going to be coming up Truman to get to that lot? And the employees park on Truman Avenue all the time, not just the trucks. They will still have people parking on Truman. Yesterday she had to move her car to get their truck out and cars were parked in front of her property and the property to the east and the only way she could get her car out, and park it, was to park across the street. It's really inconvenient because they park in front of her house all the time. She has family come and they can't park in front of her property because of the employees and customers of the dealership. She doesn't think it's going to change. She sees a whole lot of problems and they're giving up their access to State Street. They aren't gaining anything. What's proposed now is way different than what was proposed before.

Joe Sanchez, 207 East 2400 South. He has changed his mind. He thought it would be a good deal because it would decrease traffic in the neighborhood but with access issues to State Street and congestion, he thinks it's kind of odd. He has lived here for two and a half years and he's never seen a hauler pointed north when dropping off cars. When the truck drivers come down here and make a right hand turn onto a cul-de-sac that's the worst thing in the world for them. What are they going to do? Public access for the bus stops is really inconvenient. One of the reasons he likes the neighborhood is it's a cut over point for law enforcement. He

sees two or three policemen going through the neighborhood every day. He doesn't know if he'll see that if they can't come down Burton or Truman. If the Council is going to force this through because of a tax incentive for a large business, that's a negative.

Craig Cook 3645 East 3100 South. He feels the Council needs to consider whether they can reconsider this item and whether or not it's a proper motion. If they tack this on to the 2008 proceedings they are violating the law in his mind. He promised he will file a lawsuit against the City if they approve this tonight. Whatever the Council does today he feels is illegal. He feels the 2008 deal lapsed. They gave up that opportunity and you'll never see a situation where someone can go six years, when a city has given them some sort of permission, and allow it to happen six years later. He hopes they will consider whether to reconsider before the night is over.

This concluded the public comment.

Council Member Rapp said Hinckley Dodge has told the City twice that they are going to leave if they don't get what they want. When he was on the Planning Commission the two empty lots were supposed to be their parts department. They told them then they were going to leave if they didn't get a parts department built. So they acquired the two houses and didn't build a parts department and didn't leave either. Then they came back and said they were going to leave if this wasn't done either. They never took part in this but they still left. The Council is being threatened. They may grant this to them and they may leave next year anyway. What have they gained for the citizens? According to the minutes there were eight people who spoke against this in 2008. They weren't all for it. It wasn't popular then and isn't now. It's a big business that contributes taxes but at what cost? How many people do they hurt? He is not in favor of this. He wondered if anyone was contacted on Wentworth. That will be a major thoroughfare and no one was contacted? He feels it sets a bad legal precedence. What was done in 2008 was done. They turned it down. He thinks it should be a new item. He doesn't like it.

Council Member Rutter didn't like tonight's presentation from the attorney for the dealership. He apologized to the attendees because he was offended by his presentation. In 2009 they revamped the Master Plan for the City. The Plan said that between Main Street and State Street will be a commercial corridor whether anyone likes it or not. There will be commercial properties on Main and State. That's a given. Years ago the Council wondered what could they do to mitigate, soften, and help the citizens who live in homes that are east and west of these streets. It was a unanimous vote back in 2008 because it would mitigate and benefit the City to slow down traffic and build buffers into the residential community that is very important. The best way to live together is to work together. He's heard a lot of valid arguments for not doing anything. But he didn't hear anything that said it harmed someone. They did a study with Police and Fire and they said there wouldn't be any difference in service ability to keep the people safe. Having the gate open once-in-awhile they will have to work through. If they are slowing down traffic and mitigating some of the problems with crime

to better the residents in the City, they become better residents and want to stay and invite more to come. They have commercial properties that are vital to the City. The dealership is vital to the City. They have to have them. They will make it safe so Police and Fire can get to them and make it workable so the people who are inconvenienced a little bit have benefits. That's the way they want it to work. They need to work together. Help them work together. If the dealership goes away the property will still be commercial. If someone else comes in it could cause more or less problems. They have a valued guest in the City. They have proven that they do usually take care of what they say and do what they're going to do. With Hinckley it has been that way. If they've let their grass grow the City will get after them. The City needs to hear from the residents to help the City understand what is needed to change. The City will change it. They will improve what is going on there. But it's always going to be commercial. In his opinion the people there now are a valued customer and they've proven that they're a valued good neighbor to the City.

Council Member Rapp said he doesn't believe that because they let the two houses they tore down deteriorate to where they were totally overgrown and said to the City, "We'll clean them up for you." They owned the houses and made the mess. They've already proven they aren't a good neighbor. Weeds all over the place, parking in an empty lot with trucks going all over the place; they've heard nothing but complaints about them tonight. How is it they're a good neighbor?

Council Member Gold advised that was Hinckley and this is a new tenant. They have expressed ways to move on. He does have an issue with the turnaround. When they say four or five times a week and they're supposed to be doing two thirds more business and it's already more than four or five times a week he doesn't get it. He doesn't know if they could draw up something different where the emergency gate is what it is supposed to be, an emergency gate. That's his concern. The eighteen wheelers park on second east and point one direction and he doesn't know how they will be turning around. There needs to be some sort of plan. Council Member Rutter does have a point. State Street is only going to get busier. He bets everyone will want some sort of a block to hamper traffic. It's already happened on Commonwealth. They didn't like the traffic and they built a barrier and created their own cul-de-sac to limit traffic. If truck drivers can't read a sign that says dead end they shouldn't be driving a truck.

Council Member Snow said she has mixed feelings about it. She saw the weeds and the encroachment on the homes. She saw the parking in front of the homes. If it's a solution to the encroachment and some of the poor neighbor activities that have taken place, then she would err on the side of this being a good thing. But when she looks at it she wonders if it's a solution to the problems because of Truman Avenue. Will there be continuing encroachment? Is it going to improve? She thought the residents might like being a cloistered residential but on some level they don't mind the encroachment of this business since they have no desire to break off from that.

Council Member Rapp said he doesn't see where the encroachment will stop since they said they have multiple phases. What will prevent them from saying they want to acquire more property and threatening to leave again if the City doesn't let them? The complaints they've heard tonight are recent complaints about the current dealer and he doesn't feel they've been a good neighbor.

Council Chair Jones said it's a tough choice. Clearly, from the residents, Hinckley Dodge is a terrible neighbor. The things that have been mentioned are not acceptable neighborhood community standards that they should be accepting. Neighbors shouldn't have to put up with all this. He asked how long it has been horrible. He doesn't think they are new things and the Council is just finding out about them. They can't stop them from idling cars or having tall weed unless Code Enforcement catches them or a neighbor calls up and demands some expectations. He explained that the City gets about fifteen percent of forty-five percent of a property's true evaluation. He guesses that the City gets about \$150 dollars from each property in the City. Businesses pay one hundred percent of the assessed evaluation on property tax. When it comes down to dollars and cents the residents need to be willing to give the City another \$300 dollars a year so Hinckley can leave. How badly do the residents want their property tax to go up? He's not thrilled with the site plan. Hinckley could leave and they would eventually get the dollars back but at what cost?

Council Member Gold would like to see some alternative layouts that would be a commercial/residential divider. He would like to see more plans.

Council Member Rutter feels they need to address truck traffic. It's important to keep the dealership in South Salt Lake but it's appropriate to have what they are hearing from the citizens. If they address the issues and bring it back to the citizens he feels they can come to a solution that is fair and balanced for everyone.

Council Chair Jones moved to place this item on Unfinished Council Business on the May 28, 2014 agenda.

MOTION: Irvin Jones
SECOND: LeRoy Turner

Voice Vote:

Beverly Aye
Gold Aye
Jones Aye
Rapp Aye
Rutter Aye
Snow Aye
Turner Aye

- 2. **Business License Fees.** Council Chair Jones moved to place this item on the work meeting agenda for May 21, 2014

MOTION: Irvin Jones
 SECOND: Michael Rutter

Voice Vote:

Beverly Aye
 Gold Aye
 Jones Aye
 Rapp Aye
 Rutter Aye
 Snow Aye
 Turner Aye

NEW COUNCIL BUSINESS

- 1. Salt Lake County Homeless Service Fund.** Mr. Creswell advised that this is the second year all the cities in Salt Lake County have been asked to make a voluntary donation to a County managed fund to be used for homeless support services. He asked direction from the Council on what they would like to do.

Council Chair Jones advised that the suggested donation for South Salt Lake is about \$8,000 dollars or whatever they wished to contribute. He reviewed some alternative uses the money could be donated to. He is in favor of giving people a hand up but less favorable of giving them a handout. He’s more in favor of keeping the tax dollars home and helping the people of South Salt Lake.

Mr. Creswell reminded the Council that they drafted a letter last year asking that the “in kind” contributions be considered as well. It didn’t go very far. What they want is cash donations. That letter also indicated what the City does for the homeless, which is significant and a lot more than \$8,000 dollars.

Council Member Snow feels they should make the contribution. Philosophically, she feels it is part of the reason they participate in the Council of Governments (COG). She feels the facilities we have in the City weighs in favor of making the contribution to help put a roof over the head of the chronic homeless. Studies show it costs less to put a roof over their head in the long run.

Council Member Turner disagreed with Council Member Snow. He feels the City more than provides its share. He doesn’t want to donate.

The Council took a straw poll and voted not to contribute.

- 2. Thackery Garn 700 West Development.** Mr. Lilly reviewed the Riverfront Design Guidelines Master Planned Mixed Use District handout with the Council. A copy is attached to these minutes and incorporated by this reference. Key points in the plan include an option for the proposed elementary school in case it goes through. If the school goes through they will add an updated traffic study that discusses the impacts of the school and also proposes mitigation strategies for it. Also, the Fine Drive corridor that separates the school and residential area from the flex industrial has been modified to accommodate an eight foot sidewalk and a

ten foot park strip on the south side of the road. Language was added strengthening the design standards for the flex industrial buildings regarding store front facades. Wing wall will be on the buildings to help facilitate a better streetscape that will help screen the parking and loading areas.

Council Chair Jones advised that the Salt Lake County Council passed a resolution withholding any participation in RDA funds for any project that does not meet the guidelines of the Jordan River Best Practices Handbook. So this plan may or may not be adjusted.

Mr. Sant said he has tried to contact the County to find out what it means. He recommends they go ahead and create the community development project area. The developer has asked for some tax increment participation. Granite School District has also approached the City to help them with the school site. They have a plan that might benefit the City where they might be able to trade some property.

Mr. Lilly said the Community Development Department also recommends moving forward with the project.

Council Member Snow said the reason for the County's resolution is to put some teeth into the Blueprint Jordan River and preserve some green space along the corridor. She suggested they may want to take another look at this project to make sure they are not encroaching on the river.

There was some discussion about the City buying some land and preserving some green space and not encroaching on the river.

Council Member Rapp said when the school is put in the plan, the townhomes are removed and the apartments stay. The City has too many apartments and needs more houses. He would like to see a plan C.

Mr. Sant explained that in order to make their price point the developer needs to have the apartments. Part of the problem the City has with the tax issue is because they don't have population. They need people in the community. When the sales tax is distributed, fifty percent goes to point of sale and fifty percent goes to population. The City doesn't have the population so it isn't getting its fair share of that fifty percent which further adds to the problem.

Council Member Snow said she wasn't in favor of eliminating some of the required setbacks and balcony size for the development. They just approved some residential design standards and she would like to see them play out rather than right from the get go start making exceptions. It was said the exceptions were an attempt to have a more urban feel but she doesn't feel this is the urban portion of the City.

Mr. Lilly agreed. Staff operated from the assumption that this project would be significantly higher in density than they would see in other parts of the City,

which is purely a function of the land value. The developer needs a certain density to make the project work. Putting all single family homes and townhomes in doesn't work at the price UTA is willing to sell the land. Staff agreed to the density but they required an eight foot sidewalk and a ten foot park strip in front of the buildings.

The Council opened the discussion for public comment.

Derrick Sorensen, Manger of Acquisitions and Dispositions for UTA. Mr. Sorensen advised that the price of the ground was figured by three appraisals based off of what is legal and permissible under South Salt Lake's Master Plan. It wasn't in theirs, or the publics, best interest to reduce the price that the tax payer paid for that dollar. That's why they've held such a hard ground with the developer making sure they are aware of the value they are after. UTA believes they can reach the densities and do everything they need to in the value they are paying for the property.

Council Member Turner moved to place this item on Unfinished Council Business on the May 28, 2014 Council meeting.

MOTION: LeRoy Turner
SECOND: Michael Rutter

Voice Vote:

Beverly Aye
Gold Aye
Jones Aye
Rapp Aye
Rutter Aye
Snow Aye
Turner Aye

- 3. **An ordinance of the City of South Salt Lake City Council amending Section 12.5.080 permitting the replacement of City trees which have been destroyed or removed.** Mr. Roberts explained that this is a modification to the tree ordinance. It says that if you have an historic tree that has been destroyed the City is allowed to replace the tree. It does not require the City to do it but gives staff the discretion to do so. This ordinance is speaking of City trees on City property.

The Council opened the discussion for public comment.

Dave Moore, 3143 South Park Court. Mr. Moore has sent a letter and pictures of what happened to the trees in the center of their circle. A copy is attached to these minutes and incorporated by this reference. The son of his neighbor decided he wanted to cut them all down. Mr. Moore and the other neighbors would like them replaced. They would like to have three trees put back to replace the five that were cut down. The person who cut them down has been required to replace three but he is citing City Code saying they can't make him replace them because they'd be too close together. He asked that the Council pass this ordinance.

Mr. Roberts advised that he doesn't want this ordinance to be about this one incident. Staff thought they would take the opportunity to address it on a larger scale if a situation arises.

Council Member Turner moved to place this item on Unfinished Council Business on May 28, 2014.

MOTION: LeRoy Turner
SECOND: Michael Rutter

Voice Vote:

Beverly Aye
Gold Aye
Jones Aye
Rapp Aye
Rutter Aye
Snow Aye
Turner Aye

- 4. Amending and updating the South Salt Lake Municipal Code Title 2 regarding the retirement contribution of City Council members.** Mr. Creswell advised that he followed the Council's direction that as long as the Council members do not qualify for benefits under the Utah State Retirement System City Council members shall receive a contribution into a retirement account of 17.29% which is the current Tier I non-contributory rate of their monthly salary.

The Council opened the discussion for public comment. There was none.

Council Member Turner moved to suspend the rules.

MOTION: LeRoy Turner
SECOND: Michael Rutter

Roll Call Vote:

Beverly Aye
Gold Nay
Jones Aye
Rapp Aye
Rutter Aye
Snow Aye
Turner Aye

Council Member Turner moved to approve this ordinance.

MOTION: LeRoy Turner
SECOND: Kevin Rapp

Roll Call Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

- 5. **Administrative Code Changes.** Mr. Creswell advised that this ordinance allows the Mayor to designate a Human Resources Director and identifies the HR Director and some other positions as appointed positions that have to come to the Council for consent. Other appointed positions being added that are not currently in the Code include Urban Livability Director, Justice Court Administrator, Public Works Director, Parks and Recreation Director and the Deputy City Attorney. Mr. Creswell also added some requirements under the Utah Code regarding notification of employees and who is going to be exempt from merit protections.

Mr. Creswell advised the Council that the Mayor requested the title of Human Resources Director be changed to Human Services and Information Resource Director. That is representing the new field of Human Resources where you look at employees as not just service providers but as sources of information and knowledge that you rely upon. It requires Human Resources to do much more training to test and determine what the knowledge base of the employees is. The Mayor, with the encouragement of the new Director, wants to move the City into the next level of responsibility involving employees. The title represents that shift in philosophy.

The Council opened the discussion for public comment. There was none.

Council Member Rutter moved to place this on Unfinished Business of the net Council meeting on May 28, 2014.

MOTION: Michael Rutter
 SECOND: LeRoy Turner

Voice Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Aye
Turner	Aye

- 6. **Discussion to start developing a request for qualifications (RFQ) for Fire contract services.** Council Chair Jones said in the last four years two previous Council members have approached Salt Lake City independently about an RFQ regarding Fire services. In the same time he has heard discussion from firemen

about ensuring that the City is fair and equitable and the Council wants to ensure they are being fair and equitable as well. With those two forces they are going to ask the City Attorney to start developing a Request for Qualifications. This is not a rush. He requested that the Council members start considering what is most important for them and the City regarding Fire service so they can give the City Attorney direction.

Mr. Creswell advised that they have an incredible Fire Department. No one should see, report, or treat this in any way as undermining their respect and confidence of the employees. He has huge respect for the Fire Department. As they approach this effort they need to make sure they keep their eye on the existing employees. They need to make sure their employees are taken care of. They have come to the point, with 2016 looming, that they may not be able to sustain their current fire operations with the revenues they currently face and may lose. For a legitimate budget reasons they want to look at this. At the end of the process if they don't recognize significant savings then maybe this doesn't make sense.

Mr. Creswell reviewed the process with the Council which will take about six months. He cautioned the Council to not be subject to "end runs", political pressure, or external conversations from possible providers. The two most obvious interested parties are Unified Fire and Salt Lake City. Mr. Creswell has spoken with both and asked them not to lobby. It needs to be a fair, analytical process.

The Council opened the discussion for public comment. There was none.

Council Chair Jones echoed Mr. Creswell's sentiments for the firemen. He supports the firemen and he wants to make sure they are treated fairly and equitably.

Council Member Snowed agreed. She would like to move forward and see what their options are in light of the budget concerns.

Council Member Rapp agreed to move forward as well and see what the options are. He said the ambulance was part of the Mayor's plan that was presented during the election as something that was going to be cut, or should break even, by the time 2016 comes. He's in favor of looking at it.

Council Member Turner moved to place this item on Unfinished Council Business of the July 9, 2014 Council meeting.

MOTION: LeRoy Turner
SECOND: Kevin Rapp

Voice Vote:

Beverly Aye
Gold Aye
Jones Aye
Rapp Aye
Rutter Aye
Snow Aye
Turner Aye

Council Member Gold moved to adjourn.

MOTION: Ryan Gold
SECOND: Kevin Rapp

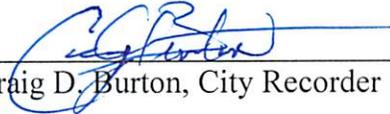
Voice Vote:

Beverly Aye
Gold Aye
Jones Aye
Rapp Aye
Rutter Aye
Snow Aye
Turner Aye

The meeting adjourned at 10:53 p.m.



Irvin H. Jones, Jr., Council Chair



Craig D. Burton, City Recorder

May 14, 2014

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Leonard Anderson	366 Vidos ave	Hanno Olaner
Nat Carson	1753 S 400 E	ST. ANNES SCOUTS
Asuley Babbitt	2258 S Elizabeth St.	Promix SSL
Renate Ferguson	2531 So. 400 E	Parks + Rec
Michael Christenson	517 E Wilson Ave.	
Dave Moore	3143 S. Park Court	self
Tamra Dalton	383 E. 1700 S.	217 Boy Scouts
Alexander Dalton	" "	" "
MARK KINDRED	3576 S. Terra Sal	self
LISA TREVINO	140 E BURTON	SELF
Karen Ryneavon	155 E. Burton Ave	
Pat Birch	142 E. Truman Ave.	self
Col Birch	142 E. Truman	self
Michael Murray	151 E Burton	
Heather Kasey	167 E 2400 S 84115	Self
Ed Winder	2992 S 600 E.	Self
HAYLEY PRATT	615 E 700 S #4	Community Development
Bruce R. Baird	2150 S. 1300 E H500	SLU Dodge
FRANKS X LILLY	220 E MORRIS AVE	COMMUNITY DEVELOPMENT
DARIN BRUSH	501 E. 1700 SOUTH	CDC of UTAH
Kim Kasey	167 E 2400 S #3	
MARTIN VAN WOOD	165 E 2400 S,	SELF
Jared Christensen		self

May 14, 2014

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
LYNDIE HAUCK		SELF
CARSON A. NIEDERHAUSER		SELF
Elena Cook		self
Cray Cook		Self
Ron Morris	21000 So. Main	FIRE
DAVID J. LARSEN		SSLFF LOCAL 4080
Dennis Pay	195 W. Oakland	Public Works
mont Roosendaal	3640 So. West Temple	Fleet
RANDY SANTI		SELF
Amber Huntsman	749 W. Heritage Park Blvd	Trackway garn company
Kristin Reardon	220 E. ^{Layton} Morris Ave	Justice Court
Patricia Milk	575 Millcreek Way	Self (resident)
Diane Keay	788 E Woodbine Ln, Murray	SL Co Health Dpt
CHAD Woodby	347 E 5300 S	SSL PROSECUTION
Simmer Shelton		SSL PROSECUTION
Kunlin Harely	1904 S. 400 E.	
THOMAS CARSON	1753 South W E.	
Kari Cutler	623 Coatsville Ave Sic	Promise South Salt Lake
Jack Carruth	2835 So Main St	SBLPA
George Sumner		St. Ann Scouts
Travis Colledge		St. Ann Scouts
Gene Baarschmidt	1323 BLAINE AVE	SELF
McELAN Baarschmidt	1323 BLAINE AVE	SELF
DERRICK SORESEN	2965 S. 2700 E	UTA

