

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, June 10, 2015
7:00 p.m.

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

PRESIDING Council Chair Irvin H. Jones, Jr.

CONDUCTING Council Chair Irvin H. Jones, Jr.

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Council Member Kevin Rapp

SERGEANT AT ARMS Paul McCullough

COUNCIL MEMBERS PRESENT:
Sharla Beverly, Ryan Gold, Irvin H. Jones, Jr., Kevin Rapp,
Michael Rutter, and LeRoy Turner

COUNCIL MEMBERS ABSENT:
Debbie Snow

STAFF PRESENT:
Mayor Cherie Wood
Lyn Creswell, City Attorney
Paul Roberts, Deputy City Attorney
Kyle Kershaw, Finance Director
Randy Sant, Economic Development Consultant
Mike Florence, Community and Economic Development Director
Frank Lilly, Deputy Community and Economic Development Director
Dennis Pay, Public Works Director
Sharen Hauri, Urban Design Director
Craig Burton, City Recorder
Paula Melgar, Deputy City Recorder

OTHERS PRESENT:
See attached list

APPROVAL OF MINUTES

May 27, 2015 Regular Meeting. Council Member Rutter moved to approve these minutes.

MOTION: Michael Rutter
SECOND: Kevin Rapp

Voice Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Absent
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. Tami Diaz, 292 Welby Avenue.** She does not support the transportation resolution. People are paying too much.

Isaac Higham, 2556 South 300 East. He is grateful an area plan is being proposed for the streetcar project. He is glad they are making an investment, as best they can, now that it is in. He feels it is important to accommodate the Shades of Pale brewery company as best as the City can as well. They have made a big commitment to move into the City. He hopes the City can help them. He feels limiting the number of alcohol establishments based on population is old school. South Salt Lake is a regional city and this severely limits the economic development opportunities.

Amy and Tim Haran, 167 W. Lady Bank Way. They have been living in South Salt Lake for seven years. It is frustrating when they are meeting friends or going out to enjoy the State’s amazing craft beer or wine, they have to go outside the City to spend their money. Their tax dollars go elsewhere. Young professionals expect to live in a place where they can walk, or take public transportation to support local businesses and get to know their neighbors in a casual setting. They were excited to hear of a micro-brewery opening in South Salt Lake. It’s exciting. They encouraged the Council to allow Shades of Pale to open a full tasting room where the community can enjoy a South Salt Lake made product.

James Fowler, 2212 S. West Temple. He owns a distillery in the City. They get seven to twelve people a week coming in from out of state that want to see what the company is all about. It is a more educated group. He is fully in support of Shades of Pale.

Ross Metzger, 7391 Pioneer Dr., Midvale. He would like to see the City set a precedence for other cities. It will help the State and other cities move forward.

Trent Farger, Shades of Pale, 154 West Utopia. He read the article in the Salt Lake Tribune today. There was discussion about 3.2 beer and limiting Shades of Pale to potentially only selling 3.2 beer rather than the other products they make. Under their manufacturing license they can produce malt beverages, 3.2 beer and

high point beer. It would be a mistake to limit them to only one of the products they make. Effectively competing with their neighbors, who don't have these restrictions, is vitally important to them. They have invested about \$300,000 in capital and infrastructure to move into the City. They have also had lots of people come in from out of town.

Alexandra Ortiz, 154 West Utopia. She is in favor of the licensing that is being discussed by the Council. She urged them to consider a full line up of products rather than limiting it to four percent beer. They are starting to get national press. Visit Salt Lake just got them into Money Magazine. Tourists are coming in that they've had to turn away. She thanked the Council for considering the full licensing. They are excited about it.

Dr. Bob Skloss, 154 West Utopia. He has read 32B of the Alcohol Beverage Control Act. When you talk to the Department of Alcohol Consumption, they read that but have a hard time with it so they have administrative rules. He wonders how those administrative rules can negate the statement in the license. He applauds what the City is trying to do. He asked the Council to help them.

3. **MAYOR COMMENTS.** Mayor Wood reminded the Council of the K2 Church day of service in South Salt Lake which will be June 20 from 8:00 a.m. to noon. K2 has confirmed they will have approximately 160 volunteers that day. They will be working on five homes.
4. **CITY ATTORNEY COMMENTS.** None.
5. **CITY COUNCIL COMMENTS.** Council Member Rutter attended the "Get Into the River" event and he feels what is happening there is positive. A neighbor called him, and he noticed as well, that the recycle garbage was not picked up until 4:30 or 4:45 p.m. They seem to have changed their schedule. He wondered if this is a scheduling problem with A.C.E. He asked the Mayor to check into that.

Mayor Wood said she would.

Council Member Turner thanked the Mayor and staff for the work that has been done over in his area with Community Connection. It was well received and staff did an excellent job. It was noticed by the people in the area.

Council Member Rapp expressed his thanks to the Police and Fire Departments. There were a couple of incidents around his house recently and they did an excellent job.

Council Chair Jones cited a recent sociologist researcher that complained that parents that read to their children and encourage their children to read are giving them an unfair advantage over those that are not being read to. He encouraged parents to stop. Council Chair Jones would encourage the opposite. He is excited and invited everyone to the newest afterschool program over in the UTA building on 700 West. It is specializing in science, technology, engineering and math. It is

a great facility. He invited everyone with children to come over and take advantage of that.

6. INFORMATION.

- a. **Victim Advocate Report – VOCA and VAWA Grant Update.** Victim Advocate, Brooke St. John, asked the Council if they had any questions on the handouts she gave them. She told of a victim they assisted this last quarter.

The Council next moved to the public hearing on the agenda

PUBLIC HEARING – 7:30 p.m. (Or as soon thereafter as possible)

To receive public input regarding proposed amendments to all 2014/2015 budgets. Finance Director, Kyle Kershaw, reviewed the proposed amendments to the budget. A copy is attached to these minutes and incorporated by this reference.

The public hearing was opened at 7:36 p.m.

Issac Higham, 2556 South 300 East. He supports all of the adjustments, especially the CCJJ (Commission on Criminal Juvenile Justice). This is a big thing. He appreciates all the City has been doing in this area and in Head Start. He thinks the community is really leading out and he supports it.

The public hearing was closed at 7:36 p.m.

Council Member Turner moved to adopt the amendment to the 2014-2015 General Fund Budget in the amount of \$88,034.

MOTION: Roy Turner
SECOND: Michael Rutter

Roll Call Vote:

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

Council Member Rapp moved to adopt the amendment to the 2014-2015 Capital Improvement Fund Budget in the amount of \$5,000.

MOTION: Kevin Rapp
SECOND: Roy Turner

Roll Call Vote:

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

Council Member Beverly moved to adopt the amendment to the 2014-2015 Housing Fund Fund Budget in the amount of \$43,000.

MOTION: Sharla Beverly
SECOND: Ryan Gold

Roll Call Vote:

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

Council Member Rutter moved to adopt the 2014-2015 budget amendment.

MOTION: Michael Rutter
SECOND: Roy Turner

Roll Call Vote:

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

The Council then went back to Unfinished Business on the agenda.

UNFINISHED COUNCIL BUSINESS

- An ordinance adopting the Streetcar Community Development Project Area Plan, as approved by the South Salt Lake City Redevelopment Agency, as the official community development project area plan for the project area, and directing that notice of the adoption be given as required by statute.**
Economic Development Consultant, Randy Sant, reminded the Council that they had a public hearing on this a few weeks ago. The RDA adopted a resolution creating the Streetcar Project Area and under the statute the City Council has to approve that by ordinance.

Council Member Gold moved to approve this ordinance.

MOTION: Ryan Gold
SECOND: Michael Rutter

Roll Call Vote:

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

- 2. An ordinance adopting the Parks, Open Space, Trails and Community Center Master Plan 2015 as an appendix to the South Salt Lake City General Plan.** Deputy Community and Economic Development Director, Frank Lilly, advised the Council that this item is intended to be an appendix to the General Plan to provide the Council and future councils some guidance and objective criteria when they have capital funds available to for future parks projects. This does not commit them to any capital expenditure at this time.

Council Member Rapp moved to approve this ordinance.

MOTION: Kevin Rapp
SECOND: Roy Turner

Roll Call Vote:

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

- 3. An alcohol ordinance.** Deputy City Attorney, Paul Roberts, advised the Council that staff received some comments from DABC saying that the City can't allow a specific amount of beverage for tasting and a manufacturing license. They regulate that area. The City is a political subdivision of the State and is only allowed to regulate in alcohol matters where they allow it. So, that part of the new ordinance has been removed. The question is if they have a microbrewery in the City that wants to serve alcohol on premise how can the City accommodate that? The State has indicated they would need an additional retail license which would be a tavern or a club license. A tavern license would entitle them to serve the 3.2 or 4 percent beer. A Club license would allow them to serve all sorts of liquor and beer.

Mr. Roberts has prepared three options for the Council to choose between. The first option is to not have a microbrewery and just retain the Class B and C

standard licenses. If someone wanted a Class C license they would have to wait until the City went below the cap. Eight is the current cap and there are nine operating right now.

Option two would be to allow consent to allow an on premise beer retailer tavern license. With this option they would only be allowed to serve the light or 3.2 beer.

In Option three the City would allow consent to be given to the State for a club license which would allow them to serve all types of beer and liquor. According to the State, the City isn't allowed to restrict the sale of the alcohol to just what they brew on sight.

Both options 2 and 3 would require that they have a brewery operating on site. The City has a cap of two microbreweries in the City.

The hours restriction is still in this version. Generally cities are allowed to put in a zoning restriction that would require businesses to close early, even if it is an alcohol establishment. Staff feels it's consistent with State law.

There are requirements for breweries. They have to have a five barrel brew house.

The question is whether the Council feels a brewery is different enough from some of the bar experiences we've had in the City. The differences are there's a different clientele, it's a gathering place, and they have tourist activity at those locations. This would have earlier closing hours than a regular bar. Also, they are building a brand and trying to sell their beer offsite. There are other microbreweries throughout the State so it's a proven business. From a planning perspective it's been seen as a relatively positive trend to have smaller breweries.

There are other safeguards to make sure they are located in appropriate places. They still have to comply with the zoning code, they can't just locate wherever they want. They also have the proximity restrictions. Both the State and City codes require that they locate at least 600 feet from community locations or receive a variance. The DABC has investigators that monitor these locations.

Ultimately the decision is up to the Council.

Council Member Beverly is excited about their business. She likes option three. She can't imagine a scenario where they would buy liquor at a brewery from someone else and sell it. They want to sell and market their brand. She is in support of option three.

Council Member Rapp agreed with Council Member Beverly.

Council Member Rutter asked if there was a distinction between a brewery and a distillery.

Mr. Roberts explained that a brewery brews beer and a distillery produces harder liquor.

Council Member Gold said the only thing that concerns him is it opens the door to them serving everything that the bar would serve. If their brand is failing they just keep their brewery there and now they operate as a regular bar with an MB license because they have one. He wonders how they will regulate that they are brewing anything.

Mr. Roberts explained that one of the conditions they have in the ordinance is that they would be equipped with a five barrel brew house which regularly produces beer. So they would have to continue production. If they stop producing their MB license would be revoked. The City wouldn't be able to tell them how much they have to produce.

Mr. Roberts said he hoping to get a straw poll on what the Council would like to have him bring back in ordinance form at the next meeting.

The majority of the Council was in favor of option three.

Council Member Gold moved to put this ordinance on Unfinished Business on the June 17, 2015 City Council meeting.

MOTION: Ryan Gold
 SECOND: Michael Rutter
Voice Vote:
 Beverly Aye
 Gold Aye
 Jones Aye
 Rapp Aye
 Rutter Aye
 Snow Absent
 Turner Aye

- 4. **An ordinance amending Chapter 12.52 Trees, of the South Salt Lake Municipal Code.** Mr. Roberts explained that he has been directed to prepare an ordinance that removes the City from the private tree realm. So if a person has a tree growing on private property the City is not going to get involved with it. Essentially, the City won't be policing whether a tree is a nuisance or dangerous tree.

Council Member Gold moved to approve this ordinance.

MOTION: Ryan Gold
 SECOND: Michael Rutter

Roll Call Vote:

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

5. 2015/2016 City Budgets

- a. **Adopt budget for each fund separately.** Finance Director, Kyle Kershaw, reviewed a memo given to the Council highlighting changes to the budget since the public hearing. A copy is attached and incorporated by this reference.

Council Member Rutter moved to adopt the General Fund Budget for 2015-2016 in the amount of \$26,026,998.

MOTION: Michael Rutter
 SECOND: Ryan Gold

Roll Call Vote:

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

Council Member Gold moved to adopt the Capital Improvements Fund Budget for 2015-2016 in the amount of \$4,485,600.

MOTION: Ryan Gold
 SECOND: Roy Turner

Roll Call Vote:

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

Council Chair Jones moved to adopt the Water Utility Fund Budget for 2015-2016 in the amount of \$2,964,000.

MOTION: Irvin Jones, Jr.
 SECOND: Roy Turner

Roll Call Vote:

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

Council Member Turner moved to adopt the Sewer Utility Fund Budget for 2015-2016 in the amount of \$1,816,000.

MOTION: Roy Turner
SECOND: Sharla Beverly

Roll Call Vote:

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

Council Member Rapp moved to adopt the Ambulance Service Fund Budget for 2015-2016 in the amount of \$1,188,900.

MOTION: Kevin Rapp
SECOND: Michael Rutter

Roll Call Vote:

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

Council Member Beverly moved to adopt the Insurance Reserve Fund Budget for 2015-2016 in the amount of \$627,000.

MOTION: Sharla Beverly
SECOND: Ryan Gold

Roll Call Vote:

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

Council Member Rutter moved to adopt the Housing Fund Budget for 2015-2016 in the amount of \$169,000.

MOTION: Michael Rutter
SECOND: Sharla Beverly

Roll Call Vote:

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

Council Member Gold moved to adopt the Sales Tax Debt Service Fund Budget for 2015-2016 in the amount of \$360,000.

MOTION: Ryan Gold
SECOND: Roy Turner

Roll Call Vote:

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

Council Member Turner moved to adopt the Leased Equipment Debt Fund Budget for 2015-2016 in the amount of \$328,600.

MOTION: Roy Turner
SECOND: Kevin Rapp

Roll Call Vote:

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

Council Member Rapp moved to adopt the Solid Waste Collection Fund Budget for 2015-2016 in the amount of \$477,000.

MOTION: Kevin Rapp
SECOND: Roy Turner

Roll Call Vote:

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

b. Ordinance adopting budgets for fiscal year ending June, 30, 2016

Council Member Beverly moved to approve the ordinance to adopt the 2015-2016 Budget.

MOTION: Sharla Beverly
SECOND: Michael Rutter

Roll Call Vote:

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

Council Member Rutter took a point of personal privilege to say this is the best he has ever seen the Council work together with the City and staff.

Council Chair Jones took a point of personal privilege to say that they have authorized a salary/benefits study for City employees, public service, public works, police and fire, to ascertain if they are being fair with our public servants, staff and administration. He apologized to Fire and Police that they haven't been given a salary increase but when the study comes out they will do the best they can to make them whole and be competitive with the rest of the cities.

6. 2015/2016 Certified Tax Rate

- a. **A resolution adopting Certified Tax Rate and establishing the amount of revenues generated by said tax rate.** Mr. Kershaw reviewed the Certified Tax Rate with the Council and how it is calculated.

Council Chair Jones asked if they had a choice not to approve the tax rate.

Mr. Kershaw said they do have a choice. If they want use a different rate to raise property taxes they can do so but they have to go through the truth and taxation process. If they want to adopt a lower rate they can do that without going through truth and taxation but they would get less revenue.

Council Member Gold moved to adopt the Certified Tax Rate for 2015 of 0.002454 and establish the amount of revenue generated by said tax rate in the amount of \$4,631,451.

MOTION: Ryan Gold
SECOND: Michael Rutter

Roll Call Vote:

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

NEW COUNCIL BUSINESS

- 1. **A resolution supporting the HB 362 (2015) authorized 0.25% local option general sales tax dedicated to transportation, encouraging Salt Lake County to submit the proposal to voters in November 2015 and encouraging voters to support the proposal.** Public Works Director, Dennis Pay, advised that there are two parts to this new bill that was passed by the Legislature. One was a change in the fuel tax rate and the second a 0.25 percent local option sales tax. The resolution is one of support for this portion of the legislation. Regarding the 0.25 percent, 0.1 percent would go to UTA, 0.1 percent would go to cities, towns and unincorporated county, and the final 0.05 goes to the County. That would be distributed in the same formula that is used for sales tax, fifty percent based on population and fifty percent at point of sale. The uses have expanded somewhat and can be used for roads, transit facilities and service, sidewalks, trails, and bike lanes. The last time the State’s fuel tax was raised was 1997. Currently it is \$0.245 cents a gallon. In today’s dollars that’s about \$0.145 cents a gallon. It has gone down substantially as construction and maintenance costs have gone up and fuel consumption has gone down.

This has to be done on a County basis so the County would have to put it to an election and has to be approved by voters before it could go into effect. This will

help the City meets its transportation needs. The estimated benefit to the City is about \$869,000 a year that could be used for transportation. Right now the City is at about \$700,000.

Council Member Rapp doesn't like having to fund UTA because he doesn't feel they do a very good job but the City needs the funding for its roads.

Council Member Turner moved to put this resolution on Unfinished Business on the June 17, 2015 City Council meeting.

MOTION: Roy Turner

SECOND: Ryan Gold

Voice Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Absent

Turner Aye

Council Member Beverly 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: Sharla Beverly

SECOND: Roy Turner

Voice Vote:

Beverly Aye

Gold Aye

Jones Aye

Rapp Aye

Rutter Aye

Snow Absent

Turner Aye

The Council adjourned to Closed Meeting at 8:30 p.m.

In accordance with U.C.A. Section 52-4-206, 1953, as amended by Chapter 180, Laws of Utah, 1987, as amended, a recording was made of the Closed Meeting held to discuss the sale, purchase, exchange or lease of real property. Such recordings are protected records under Title 63, Chapter 2, Government Records Access and Management Act.

Closed Meeting ended at 9:28 p.m. Council Members returned to Council Chambers.

Council Chair Jones moved to adjourn.

MOTION: Irvin Jones, Jr.

SECOND: Kevin Rapp

Voice Vote:

Beverly Aye

Gold Aye

Jones Aye

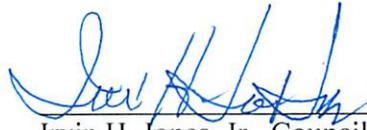
Rapp Aye

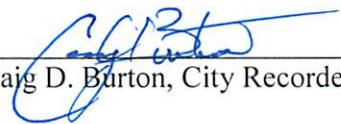
Rutter Aye

Snow Abasent

Turner Aye

The meeting adjourned at 9:29 p.m.



Irvin H. Jones, Jr., Council Chair

Craig D. Burton, City Recorder

