

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, May 24, 2017
7:00 p.m.

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

PRESIDING Council Chair Ben Pender

CONDUCTING: Mark Kindred

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Portia Mila

SERGEANT AT ARMS Amanda Gencarella

COUNCIL MEMBERS PRESENT:

Sharla Beverly, Mark Kindred, Portia Mila, Johnny McConnell,
Ben Pender, Kevin Rapp and Shane Siwik

STAFF PRESENT:

Mayor Wood
Hannah Vickery, Assistant City Attorney
Kyle Kershaw, Finance Director
Ron Morris, Fire Chief
Terry Addison, Deputy Fire Chief
Mike Florence, Community and Economic Development Director
Frank Lilly, Deputy Director Community and Economic Development
Mont Roosendaal, Public Assets Director
Craig D. Burton, City Recorder
Ariel Andrus, Deputy City Recorder

OTHERS PRESENT:

See attached list.

APPROVAL OF MINUTES

May 10, 2017 Regular Meeting. Council Member McConnell moved to approve these minutes

MOTION: Johnny McConnell
SECOND: Sharla Beverly

Voice Vote:

Beverly: Yes
Kindred: Yes
McConnell: Yes
Mila: Yes
Pender: Yes
Rapp: Yes
Siwik: Yes

NO ACTION COMMENTS

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **CITIZEN COMMENTS/QUESTIONS. Tammi Diaz, 292 Welby Avenue.** She said that in September 2016 she had to call for emergency services and was billed a large amount and is still struggling to pay this bill. She believes the City should no longer have ambulance service through South Salt Lake.

Tom Nelson, 2155 Pheasant Way. He thanked the City Council for trying to salvage some of the history at Granite High School. He is the Chairman for the Holladay Historical Commission and that group has been working on the history of schools. He advised the Council of some of the history of Granite High School.

Christie Toth, 768 East 1700 South. She is an educator for Salt Lake and she works with some South Salt Lake youth. She voiced her concern about the firing of Dr. Rebecca Hall from Promise South Salt Lake at Cottonwood High School. She is disappointed that she and others have not received an explanation for why the firing occurred. She said she and the others that spoke at the City Council meeting on April 26th were contacted by an attorney conducting an investigation for the City but it is her understanding that this attorney has not contacted Dr. Hall.

Wendi Melling, 3157 South Park Court. She is a resident of South Salt Lake and she is also a member of Standing Up for Racial Justice. She read a letter that was addressed to Mayor Wood in regards to the firing of Dr. Hall. A copy is attached to these minutes and incorporated by this reference.

Gabriela Higgins, 956 East 600 South. She comes before the Council to speak in support of Dr. Hall. She said in her youth she benefited from after school programming. She feels that the firing of Dr. Hall should not be dismissed and she has tried to reach out to the Mayor's office. She pointed out that the demographic at Cottonwood High is very different and she believes it is important for these students to have an ally. She feels that the way this is being handled through Promise and the City is not good for the youth by

making these students feel that their voices cannot be heard without being shut down.

Kristin Kippenberg, 2165 South 700 East. She said since she and the others attended the April 26th Council meeting the City has had lawyers contact the people that spoke at that meeting. She said the real problem is that the students at Cottonwood High are without a teacher that they can trust and relate to.

Al Khalife Kalashnikou, 710 West 400 South. He addressed the Council about terminating procedures for the City. He states that Dr. Hall was terminated via text message and he asked the Council if they feel that was the right thing to do.

Council Member Kindred moved to the Public Hearing portion of the meeting.

PUBLIC HEARING – 7:37 P.M.

To receive public input regarding the adoption of the South Salt Lake City budget for fiscal year July 1, 2017 to June 30, 2018.

1. **Kyle Kershaw, for the City, to present information and answer questions.** Mr. Kershaw gave the Council a copy of the changes in tentative budget. A copy is attached to these minutes and incorporated by this reference.

Council Member Siwik asked about a full-time employee for engineering.

Mr. Kershaw said that they are working on that and it would be about \$90,000 to \$100,000 and that amount would include benefits.

2. **Open Public Hearing**
3. **Receive Public Input. Tammi Diaz, 292 Welby Avenue.** She said that she doesn't like Wasatch Front Regional Council. She hopes that someday the City gets a better bus system and she has spoken to UTA about this as well. She thinks the City needs to keep the streets in good repair.
4. **Close Public Hearing**
5. **Discussion by the City Council.** Council Member Siwik moved this item to the City Council work meeting on June 7, 2017.

MOTION: Shane Siwik
SECOND: Johnny McConnell

Voice Vote:

Beverly: Yes
Kindred: Yes
McConnell: Yes
Mila: Yes
Pender: Yes
Rapp: Yes
Siwik: Yes

The Council returned to citizens comments.

Merili Carter, 524 Emerson Avenue. She comes before the Council on behalf of the Granite High Alumni Association. She said she reached out to the Granite School District earlier this year in hopes to salvage items from Granite High and she did not get a response. She said the Alumni Association may have money to help fund saving items and she is also willing to donate her time as well.

Council Member Kindred read a letter from Jeri Wayman in regards to Richard Street. A copy is attached to these minutes and incorporated by this reference.

3. **MAYOR COMMENTS.** Mayor Wood updated the Council on the Youth City Council budget. She said the Youth City Council has some items that have not been processed. She said most of the training that is done for Youth City Council is funded by grants or scholarships. She said they don't always attend the conference in Logan because of conflicts with school so there are other events they attend instead.
4. **CITY ATTORNEY COMMENTS.** None
5. **CITY COUNCIL COMMENTS.** Council Member Mila said she attended the Night on Commonwealth event and it was great. She thanked the staff that helped put the event together.

Council Chair Pender said last week was police week and a few South Salt Lake police officers attended the conference in Washington D.C. and he appreciates that. He also attended Night on Commonwealth and he was pleased with the attendance. He also thanked the staff that put that event together. He also added that he attended the BBQ for public works and enjoyed that.

Council Member Siwik said he enjoyed Night on Commonwealth as well. He thought the turnout was great this year. He also went to the public works BBQ and he appreciated the invite to that.

Council Member Beverly said she was contacted by a resident about the spring clean-up. She said the resident was upset because the spring clean-up attracts people going through the piles and thinks that also encourage criminal behavior. She explained the history of the spring clean-up to the resident and she said she would like to hear others ideas on spring clean-up if they have any. She mentioned to this resident that dumpsters can be rented from the City as well for a small fee and that may be a good tool to use as well.

Council Member Kindred thought Night on Commonwealth was great. He said on May 22nd public works opened up the facility for the Council to tour and he thanked public works for that.

6. COUNCIL ATTORNEY COMMENTS. None

ACTION ITEMS

APPOINTMENTS BY THE MAYOR

Mayor Wood presented Rusty Vetter to be considered for the administrative law judge for South Salt Lake.

Council Chair Pender made a motion to suspend the rules.

MOTION: Ben Pender
 SECOND: Shane Siwik
Voice Vote:
 Beverly: Yes
 Kindred: Yes
 McConnell: Yes
 Mila: Yes
 Pender: Yes
 Rapp: Yes
 Siwik: Yes

Council Member Siwik made a motion to approve Rusty Vetter for the ALJ For South Salt Lake

MOTION: Shane Siwik

SECOND: Ben Pender

Roll Call Vote:

Beverly: Yes

Kindred: Yes

McConnell: Yes

Mila: Yes

Pender: Yes

Rapp: Yes

Siwik: Yes

UNFINISHED BUSINESS

- 1. An Ordinance of the City of South Salt Lake City Council repealing Chapters 17.21 and 17.24 of the Municipal Code and adopting New Design Standards.** Council Chair Pender said that some of the Council still has some concerns about this item.

Council Member Siwik said he is not comfortable with the ordinance and he would like more time to go over this. He would like to have more conversations about this ordinance because he would like to see ways to incentivize businesses to comply to design review rather than force businesses to follow the City's design standards. He thinks that everything that has been built under the existing design review has been good but he may support this ordinance if he had a better understanding.

Council Member Rapp agreed with Council Member Siwik. He said he has had time to look this over and has more questions regarding this ordinance before he would like to vote on this.

Community and Economic Development Director, Mike Florence said the building that are being built in South Salt Lake currently look good because of the hard work of his staff trying to make those buildings look good. He said they are not being too restrictive because his department is responding by using what they are already seeing from developers.

Council Member Siwik said in the new ordinance a building has to be thirty percent glass and asked what the current standards are.

Deputy Director of Community and Economic Development, Frank Lilly said there are not any standards in place right now. The current standards require door and windows but no specifics on those things. He said things that are driving this ordinance is a recent change in state statute and evolving case law that says ordinance say what they say and staff cannot change too much because if there is a dispute with a property owner the courts are going to review what is stated in an ordinance. He said they have worked on this ordinance for almost three years by

looking all over the country for reasonable standards. He said a memo was sent out highlighting what is meant by thirty percent glass. A copy is attached to these minutes and incorporated by this reference. He said that they are willing to work with businesses and residents.

Council Member Siwik said since design review was done on residential property he has had several residents tell him that they have had trouble building a garage on their property.

Mr. Lilly suggested that these residents come and talk to community development because he knows he could work with them. He said that he would always want someone to add equity to their home. He feels the same for design standards for commercial as well.

Council Member Beverly believes that South Salt Lake deserves to have better standards in place so the City can have nicer buildings to improve the look of the City.

Council Member Siwik asked how this ordinance can change the look of a business.

Assistant City Attorney, Hannah Vickery said the City's concern is the enforceability of the current ordinance in light of the state law change. She added if there is too much flexibility in the ordinance the City is not going to be able to hold developers to any standards like the City has in the past.

Council Member Beverly asked if the City could have a checklist to make sure most of the standards are being met.

Council Chair Pender said the changes in the ordinance are just to tighten up the ordinance but there is still some flexibility. The standards have to be up front or else it will be too hard to apply the standards the City is looking for.

Mr. Florence added that planning is only one part of what his department does the other part is to increase the sales tax base of the community and so they would not let a large business walk away because of the standards they would work with that development.

Council Member Rapp said his concern was that this ordinance would drive businesses away but after this discussion he feels better knowing there is flexibility.

Mr. Florence said he and his staff had to do a lot of negotiation with Winco when they first came into the City to make the building look the way it looks now.

Council Member Rapp moved this item to unfinished business for June 7th, 2017.

MOTION: Kevin Rapp

SECOND: Shane Siwik

Voice Vote:

Beverly: Yes

Kindred: Yes

McConnell: Yes

Mila: Yes

Pender: Yes

Rapp: Yes

Siwik: Yes

NEW BUSINESS

- 1. A Recommendation to the City Council to amend Chapter 17.15 of the South Salt Lake Municipal Code to adopt regulations for Massage Therapy Businesses.** Mr. Lilly presented information about this item to the Council. A copy is attached to these minutes and incorporated by this reference. He advised the Council that the applicant would like to set up a massage business in the China town. He said this would be a chair message business in a common area of the shopping center.

Council Member McConnell asked if they foresee other places in the City besides the China Town area that chair massage could take place such as public events.

Mr. Florence said those situations would be more classified as a special event rather than a business.

Council Member Siwik asked if the City has any day spas currently.

Mr. Lilly said yes there are a few and the police department is investigating those to make sure they are legitimate.

Applicant, Jet Sum Lam and interpreter spoke about his plan for the massage business and also gave the Council a copy of his resume. A copy is attached to these minutes and incorporated by this reference.

Council Chair Pender asked if he owned other massage businesses.

Mr. Lam said he had previously owned massage chair business in Fashion Place Mall but he could no longer afford to run his business there. He runs a massage chair business in West Valley City currently.

Council Member Kindred asked if this business could be enclosed or if it would have to stay an open air business.

Mr. Lilly said under this ordinance their business could not be enclosed.

Council Member Beverly moved this item to unfinished business for the June 7, 2017 regular Council meeting.

MOTION: Sharla Beverly

SECOND: Portia Mila

Voice Vote:

Beverly:	Yes
Kindred:	Yes
McConnell:	Yes
Mila:	Yes
Pender:	Yes
Rapp:	Yes
Siwik:	Yes

2. Adoption of a PUD overlay zone and plat approval for a 20-lot PUD townhome development located at approximately 3251 South West Temple.

Mr. Lilly presented this item to the Council. A copy is attached to these minutes and incorporated by this reference. He said that the residents on Richard Street are concerned about traffic entering on their street since it is such a narrow street. He said that only four of the residents will have access onto Richard Street and garbage trucks and emergency vehicles will also have to have access. He said that the developer has agreed to gate this area as well.

Council Member Beverly asked if the developers would be bound to having to gate this community.

Mr. Lilly said that the gating is included in the design book and in the staff report and he thinks they City would hold the developer to that based on those things.

Mr. Florence added that the City could condition the subdivision approval on the gates. He said that the developer would also be improving the area by adding landscaping to the area around the subdivision. He said that the gate would be a six foot fence and will have a man door access onto Richard Street.

Council Member Kindred asked if there would be no parking signs along Richard Street and how would that be enforced.

Mr. Florence said there are other areas in the City that have no parking signs and it works in those areas.

Council Member Rapp said he has a no parking area near his home and it just has to be called into the police department and they come out and give a ticket.

Mr. Florence said there is the issue that there is parking on Richard Street now and if that is taken away it may be difficult for the residents that are living there currently. He also added that the traffic engineer has told him that there would be sixteen trips in the morning on Richard Street and eighteen trips in the evening and most other traffic will go onto West Temple.

Council Member Siwik asked if it was possible to make all units of this subdivision access onto West Temple.

Mr. Lilly said there is no way of doing that without reducing the number of units.

Council Member Siwik stressed the fact that there are only six internal parking spaces and he does not like that. He would rather see more parking than open space in this subdivision. He thinks a lot of the new subdivision properties around the City are going to cause parking problems throughout the City.

Council Member Rapp said the residents on Richard Street are mostly concerned with the parking in the area because it is such a narrow street.

Mr. Lilly said that the width of Richard Street is twenty-six feet and there is also no turnaround at the end of the street and that is why the developer wants to only have to one private drive that enters through Richard Street.

Council Chair Pender asked if there could be no parking on at least one side of Richard Street. He is concerned about emergency vehicles being able to get down that street with cars on both sides of the street.

Council Member Kindred asked if the fire department had to review this application before bringing it before the Council.

Mr. Lilly said yes, the fire marshal did review this and he agreed that Richard Street was a very narrow street but he did not see it as a reason to not allow this development.

Council Member Beverly said she would like to have parking on one side of Richard Street. She wondered if there can be something in the ordinance.

Mr. Florence said when the planning commission approved this application there was a list of eight conditions for the project and he said the City Council could add to those conditions.

Council Member Beverly said she would like to add a condition that said gates around the subdivision are required and also limit who has access to the gates.

Council Chair Pender asked what holds the developer to the conditions and if the property is ever sold what holds the next owner to the conditions.

Mr. Florence said they would not sign a contract without the conditions in place and also the City has an administrative law judge that holds people accountable to what City ordinances say.

The applicant, Armando Alvarez said that before the planning commission meeting he met with all the residents of Richard Street and he was able to tell them about his project. He said he was that proposed the emergency access only gate. He said the traffic he will be adding to Richard Street is equivalent to three single family homes. He said the residents did not want to man gates to exit onto Richard Street and he thinks that is not fair to the future residents of this subdivision. He said he has met every standard for an approval that the ordinance required. He said this development will be within a quarter mile of a TRAX station and a lot of the residents will be riding TRAX. He said he has worked closely with staff and feels that he has gone out of his way to be the least disruptive to the surrounding residents.

Council Chair Pender asked if there was a way to reconfigure the man gates so there were not as many exits onto Richard Street.

Mr. Alvarez said he thinks he could do some refiguring with the man gate by eliminating the gate closest to 3300 south.

Council Member Siwik said he does not like this project but he feels bound because Mr. Alvarez meets the City's ordinance.

Council Member Beverly said she is impressed by the amount of compromise from Mr. Alvarez.

Council Member Beverly moved this to unfinished business for the June 7, 2017 regular Council meeting.

MOTION: Sharla Beverly

SECOND: Portia Mila

Voice Vote:

Beverly:	Yes
Kindred:	Yes
McConnell:	Yes
Mila:	Yes
Pender:	Yes
Rapp:	Yes
Siwik:	Yes

3. **An Ordinance of the City of South Salt Lake City Council Setting the Salary of the Council Chair of South Salt Lake.** Council Member Siwik said that he has worked with two Council Chairs that have put in a lot of extra time behind the scenes so he believes the Council Chair should be compensated for this extra time.

Council Member Beverly said she has noticed a big difference this year with Council Chair Pender compared to last year's Council Chair. She is in support of this with Council Chair Pender. She wonders if the Council should revisit this item yearly.

Assistant City Attorney, Hannah Vickery advised the Council that she tried to put language in this ordinance that would have the Council revisit this for an annual review. A copy is attached to these minutes and incorporated by this reference. She said if the Council wants to change this yearly it would have to be through an ordinance change.

Council Member Rapp asked how the Council decides whether or not a Council Chair is being productive.

Council Member Beverly said for it is about how well the Council Chair is communicating to the rest of the Council. She said last year she did not feel involved and this year she knows that Council Chair Pender is working with everyone because she has that communicated to her.

Council Member Kindred thinks that the ordinance should list the duties of the Council Chair and if those expectations are not met then the Council will revisit this ordinance.

Council Member Rapp suggested what is expected of the Council Chair should be set in the Council rules.

Council Member Beverly said that over the last three years on the Council she has seen three very different Council Chairs and she believes that a Council Chair should be communicating with the Council and with the City staff willing and openly. She thinks if this was laid out in the Council rules there would be more consistency.

Council Chair Pender agreed that there needs to be good communication from the Council Chair and he believes that if the expectations are going to be set for the Council Chair then the rules also need to be set for the RDA Chair. He said that he and the Mayor have disagreed on things in the past but they continue to communicate because that is the expectation of the Chair.

Mayor Wood added that Council Chair Pender attends more meetings than

any other Council Chair she has ever worked with.

Ms. Vickery suggested that the Council only revisit this ordinance if in the future there is a need for it to be revisited. She also added if the Council wants to have an explanation of what is expected from the Council Chair in the Council rules that is something that can be discussed later on.

Council Member Siwik moved this to unfinished business and public hearing for June 7, 2017 regular Council meeting

MOTION: Shane Siwik

SECOND: Johnny McConnell

Voice Vote:

Beverly:	Yes
Kindred:	Yes
McConnell:	Yes
Mila:	Yes
Pender:	Yes
Rapp:	Yes
Siwik:	Yes

- 4. Proclamation National Gun Violence Awareness Day.** Council Member Kindred thinks the Council should sign this proclamation because there is gun violence in the City. He said this is just recognition of what gun violence does throughout the nation and here in this community.

Ms. Vickery said she reviewed this proclamation and she thinks it is fine for the Council to sign.

Council Member Siwik made the motion to suspend the rules.

MOTION: Shane Siwik

SECOND: Ben Pender

Voice Vote:

Beverly:	Yes
Kindred:	Yes
McConnell:	Yes
Mila:	Yes
Pender:	Yes
Rapp:	Yes
Siwik:	Yes

Council Member Mila moved to approve this proclamation.

MOTION: Portia Mila

SECOND: Kevin Rapp

Voice Vote:

Beverly: Yes

Kindred: Yes

McConnell: Yes

Mila: Yes

Pender: Yes

Rapp: Yes

Siwik: Yes

Council Member Beverly moved to adjourn to closed meeting pursuant to Utah Code Annotated, 1953, as amended, Sec. 52-4-204, Sec. 52-4-205 (1) (a), et seq. for the following purposes: Strategy Session to discuss the sale, purchase, exchange or lease of real property

MOTION: Sharla Beverly

SECOND: Johnny McConnell

Roll Call Vote:

Beverly: Yes

Kindred: Yes

McConnell: Yes

Mila: Yes

Pender: Yes

Rapp: Yes

Siwik: Yes

Closed meeting adjourn at 10:35

Council Chair Pender moved to adjourn.

MOTION: Ben Pender

SECOND: Portia Mila

Voice Vote:

Beverly: Yes

Kindred: Yes

McConnell: Yes

Mila: Yes

Pender: Yes


Rapp: Yes

Siwik: Yes

The meeting adjourned at 10:36 p.m.



Ben Pender, Council Chair



~~Craig D. Burton, City Recorder~~
Ariel Andrus