

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, SEPTEMBER 20, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, September 20, 2005 at 7:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Jill Remington Love
Eric Jergensen	Dave Buhler	Nancy Saxton
Dale Lambert		

Cindy Gust-Jenson, Executive Council Director; Mayor Ross C. "Rocky" Anderson; Edwin Rutan, City Attorney; and Beverly Jones, Deputy City Recorder, were present.

Councilmember Lambert presided at and Councilmember Christensen conducted the meeting.

#1. The Council led the Pledge of Allegiance

#2. Councilmember Buhler moved and Councilmember Turner seconded to approve the **minutes of the Salt Lake City Council meetings held September 6 and 13, 2005**, which motion carried, all members voted aye.

PUBLIC HEARING

#1. **RE:** Accept public comment and consider adopting an ordinance amending Salt Lake City Ordinance 26 of 2005 which approved, ratified and finalized the budget of Salt Lake City, Utah, including the employment staffing document, for the fiscal year beginning July 1, 2005 and ending June 30, 2006. **(Budget Amendment No. 1)**

Dave Jonsson spoke in opposition of funding for improvements to Ottinger Hall. **Kenneth Paulson**, Chairperson for the Ottinger Hall Project from the Rotary Club, spoke in support of funding for Ottinger Hall improvements.

Councilmember Jergensen moved and Councilmember Saxton seconded to **close the public hearing**, which motion carried, all members voted aye.

Councilmember Buhler moved and Councilmember Love seconded to **adopt Ordinance 58 of 2005 amending the Fiscal Year 2005-2006 budget as proposed by the Administration with the following exceptions: the exclusion of Item A-5 requesting funding for improvements to Ottinger Hall, the exclusion of Item A-6 requesting funding for an economic development position, and with the provision that the Council adopt Initiative A-7 with the following stipulations: a) Katrina Hurricane victims applying for housing funding assistance have 60 days to apply beginning September 20, 2005. b) The terms of housing assistance will**

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end after a period of six months. c) The Administration will work with Richard Walker from the State of Utah to coordinate housing relief efforts. d) The funding must be used for housing within Salt Lake City limits, and e) unused funding will revert back to the First Time Homebuyers Program, including any reimbursements the City may receive. I further move that the one-time interest income of \$79,693 in Initiative D-9 be transferred to the Capital Improvement Program fund balance.

Councilmember Buhler said the motion covered everything that was not controversial. He said the excluded items would be discussed.

Councilmember Lambert moved that **900 South 900 East project funding be cut back to its original proposal and not be given an additional \$250,000.** There was no second.

Councilmember Christensen called for a roll call vote on the original motion, which motion carried, all Council Members voted aye.

Councilmember Jergensen moved and Councilmember Turner seconded to **adopt Item A-5, a request for \$80,000 of CIP cost overrun funds for Ottinger Hall Building renovation improvements.**

Councilmember Jergensen said this project was important for the neighborhood. He said the project should be funded since there was an additional \$200,000 of donated money. He requested City personnel take this issue to the Avenues Community Council to discuss the \$80,000 overrun because it was their understanding the project would be completed with donated money.

Councilmember Love asked if Ottinger Hall was currently used. Councilmember Jergensen said the hall was in such a state of disrepair that it could not be used. Councilmember Love asked if the neighborhood's transportation issues had been discussed. Councilmember Jergensen said yes. Councilmember Love asked how many kids would be involved in the program each day. Councilmember Jergensen said approximately 40. Councilmember Love asked if the Community Council had taken a formal vote. Councilmember Jergensen said a formal vote had previously been taken when the project was being considered because of \$200,000 of donated money. He said they were in favor of the project. He said no vote had been taken since \$80,000 of City money was involved.

Councilmember Christensen asked if the Rotary Club had been successful in raising funds and if the fundraisers were complete. Mr. Paulson said their fundraising was complete and successful. Councilmember Saxton said the Rotary had given the City a generous gift. She said the neighbors had some concerns but it would be nice to have an historical building back in shape.

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Councilmember Buhler said he wanted Ottinger Hall restored but was concerned that the money was tied to youth programs. He said youth programs were not the best use for an historical building. Councilmember Lambert said he was persuaded to fund the project because of a \$100,000 grant and the \$100,000 raised by the Rotarians. He said it was a good investment for the City.

Councilmember Christensen said in the Canyon Road area there were limited public spaces. He asked if other locations for youth programs were discussed. He asked if the reason for restoring the building was for youth programs. Councilmember Jergensen said they had an opportunity to renovate the property for multiple uses but the original proposal was for youth programs. He said there had been discussions about renovating the building for 10 years and the youth program provided a vehicle for renovation. He said the building needed to be preserved and saved and could be used as a community building in the future.

Councilmember Christensen called for the question, which motion carried, all members voted aye except Councilmember Buhler who voted nay.

Councilmember Love moved and Councilmember Buhler seconded to **defer the decision on Item A-6, a request for an Economic Development position to an October Council meeting and move that the Council add a building plans examiner position (1.0 FTE) to the Community Development Department's budget in the amount of \$60,000 with the funding source as General Fund Fund balance.**

Councilmember Love said her motion would defer the ombudsman position to a later meeting but moved the building plans examiner position forward because that position was currently needed.

Councilmember Buhler said he supported the motion because the City was in need of a building plans examiner because of work backlog in the department. He said he was concerned the position was being funded with one-time money but he did not see an alternative right now. He said hopefully building revenue would be ahead of projection.

Councilmember Saxton asked if that would be enough staff to handle all of the mall proposals if they came in all at once. Councilmember Lambert said he favored the mitigation person and felt it should be combined with the Economic Development person.

Councilmember Jergensen said he did not feel the Council had exhausted all the different viewpoints needed to make this decision. He said he agreed they needed a new building plan examiner but he was not willing to jettison the idea of an ombudsman yet. He said if they were balancing the two they needed to look at revenue sources. He said when they received that information they could put the issue back on the agenda.

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Councilmember Lambert asked for a friendly amendment. He asked if the items could be treated as two issues. Councilmember Love said she would accept the friendly amendment.

Councilmember Christensen said the first issue **was deferral of Item A-6 to a future meeting**. He called for the question, which motion carried, all members voted aye.

Councilmember Christensen said the second part of the motion was **approval of an additional \$60,000 from fund balance for a building plans examiner**. Councilmember Christensen called for the question, which motion carried, all members voted aye.

Councilmember Lambert moved and Councilmember Jergensen seconded to **defer the decision**, which motion failed, Council Members Lambert, Jergensen and Turner voted aye and Council Members Buhler, Love, Saxton and Christensen voted nay.

(B 05-8)

#2. RE: Accept public comment and consider adopting a resolution amending Salt Lake City Resolution 41 of 2005 which adopted **the budget of the Municipal Building Authority (MBA)** of Salt Lake City for the fiscal year beginning July 1, 2005 and ending June 30, 2006. **(Budget Amendment No. 1)**

Councilmember Saxton moved and Councilmember Lambert seconded to **recess as the City Council and convene as the MBA**, which motion carried, all members voted aye.

Councilmember Jergensen moved and Councilmember Saxton seconded to **close the public hearing**, which motion carried, all members voted aye.

Councilmember Saxton moved and Councilmember Turner seconded to **adopt Resolution 54 of 2005**, which motion carried, all members voted aye.

Councilmember Saxton moved and Councilmember Love seconded to **recess as the MBA and reconvene as the City Council**, which motion carried, all members voted aye.

(B 05-2)

QUESTIONS TO THE MAYOR FROM THE CITY COUNCIL

Mayor Anderson said he had sent Council Members documents relating to domestic partners benefits. He said he would sign an Executive Order tomorrow at noon. He said he had been advised by PEHP's counsel that PEHP would not administer equal benefits for domestic partners without a declaratory judgment from a court. He said he would still sign the order

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and then pursue the issue. Councilmember Lambert asked what would be pursued. Mayor Anderson said there were benefits PEHP did not control or administer. He said those benefits would be pursued. He said they would wait and see if a declaratory judgment was needed.

Mayor Anderson said the Executive Order allowed staff to move toward putting benefits in place. He said legal analysis said the recommendations were clearly lawful. He said there was nothing under statutory or constitutional law which prohibited them from moving forward.

Edwin Rutan, City Attorney, said he had spoken with the attorney for PEHP and the concerns raised were under Amendment No. 3 to the Utah Constitution. He said there was a statutory provision. He said he believed the proposal was consistent with both provisions.

Councilmember Saxton asked if there were legal actions against PEHP, could PEHP choose to drop Salt Lake City as a client. Mayor Anderson said the City was a large client. He said proponents said Amendment No. 3 would have no bearing on the ability of either government or companies to provide benefits to domestic partners.

COMMENTS TO THE CITY COUNCIL

Douglas Cotant spoke in support of saying the Pledge of Allegiance. **Richard Wirick** spoke against nuclear waste in Utah. **Don Barron**, Yellow Cab Company Director, and **Charles Free**, Yellow Cab, spoke about a temporary \$1 increase in the flag drop to offset gasoline prices.

NEW BUSINESS

#1. RE: Adopting a **legislative action** initiated by Councilmember Buhler requesting an ordinance amendment to Section 15.08.020 of the Salt Lake City Code, for **mini-parks relating to park closure hours**.

Councilmember Buhler said this motion would forward the action to the Administration, the City Attorney's Office, Public Services and the Police Department. He said he also wanted community council input to see if the action did have merit to give the small neighborhood parks an earlier closing time than larger parks.

Councilmember Buhler moved and Councilmember Turner seconded to **suspend the rules and adopt the legislative action and forward to the agencies**.

Councilmember Lambert said he understood the need for no noise in neighborhoods at night but felt 10:00 p.m. was too early to close a park. Councilmember Saxton said kids needed to play and make noise. She said

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she understood noise could be agitating to people. She said it was an amenity to live next door to a park.

Councilmember Turner said the City went to great expense to improve parks so people could use them. He said he would support the motion. Councilmember Christensen said unlike most standard parks which deserved a little broader time, little parks did become problematic after 10:00 p.m.

Councilmember Christensen called for the question, which motion carried, all members voted aye.

(G 05-19)

CONSENT AGENDA

Councilmember Turner moved and Councilmember Saxton seconded to **approve the Consent Agenda**, which motion carried, all members voted aye.

#1. RE: Setting the date of **October 11, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending Table 21A.26.080, of the Salt Lake City Code, **pertaining to permitted and conditional uses for Commercial Districts** pursuant to Petition No. 400-04-29.

(P 05-18)

#2. RE: Setting the date of **October 6, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **re-zoning four properties from residential to commercial:** 1) 916 South 900 East from Residential (R-1/5000) to Commercial (CB); 2) 909 South 900 East from Residential (R-1/5000) and Commercial (CB) to Commercial (CB); 3) 932 East 900 South from Residential (R-1/5000) to Commercial (CB); and 4) 919 South Lincoln Street (952 East 900 South) from Residential (R-1/5000) and Commercial (CB) to Commercial (CB) and amending the Zoning Map and the East Central Community Small Area Plan and Central Community Master Plan pursuant to Petition No. 400-05-10. (900 South 900 East)

(P 05-19)

The meeting adjourned at 7:57 p.m.

Council Chair

Chief Deputy City Recorder

bj