

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, MAY 6, 2008

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, May 6, 2008 at 7:07 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Eric Jergensen
Jill Remington Love	JT Martin	Luke Garrett
Søren Simonsen		

Cindy Gust-Jenson, Executive Council Director; Edwin Rutan, City Attorney; Mayor Ralph Becker; David Everitt, Mayor's Chief of Staff; and Christine Meeker, Acting City Recorder; were present.

Councilmember Love presided at and conducted the meeting.

OPENING CEREMONY

#1. 7:07:50 PM The Council led the Pledge of Allegiance.

#2. 7:08:41 PM Mayor Becker presented the proposed Salt Lake City budget for Fiscal Year 2008-2009. For a copy of the Mayor's speech see file M 08-1.

#3. 7:27:05 PM Councilmember Turner moved and Councilmember Garrett seconded to **approve the minutes** of the Salt Lake City Council meeting held **April 15, 2008**, which motion carried, all members voted aye. See Attachment
(M 08-3)

PUBLIC HEARINGS

#1. 7:27:23 PM **RE:** Accept public comment and consider adopting an ordinance **vacating** the north/south portion of the **alley** generally located at **1000 East and Lincoln Street, and Elm Avenue and Sugarmont Drive** pursuant to Petition No. 400-07-03. See Attachment

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

Councilmember Christensen moved and Councilmember Simonsen seconded to **adopt Ordinance 19 of 2008**, which motion carried, all members voted aye.
(P 08-5)

#2. 7:28:44 PM **RE:** Accept public comment and consider adopting an ordinance **closing and abandoning** the **alley** generally located at **338-356**

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West Paxton Avenue pursuant to Petition No. 400-07-25. See Attachment

Bob Fisher spoke in approval of the alley closure.

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

Councilmember Turner moved and Councilmember Simonsen seconded to **adopt Ordinance 20 of 2008**, which motion carried, all members voted aye.

(P 08-6)

#3. 7:30:51 PM RE: Accept public comment and consider amending **Section 21A.62.040**, Salt Lake City Code, pertaining to Zoning Code Definitions, and **Sections 21A.44.010, 21A.44.020, 21A.44.030, and 21A.44.060**, Salt Lake City Code, pertaining to off street parking and loading requirements, and amending tables in **Section 21A.44.060E**, pertaining to schedule of shared parking, **Section 21A.44.060F**, pertaining to schedule of minimum off street parking requirements, **Section 21A.24.190**, pertaining to Permitted and Conditional Uses for Residential Districts, and **Section 21A.26.080**, pertaining to Permitted and Conditional Uses for Commercial Districts pursuant to Petition No. 400-02-22. (Legislative Actions from Councilmember Love and Former Council Member Saxton).

Councilmember J T Martin was recused.

The following citizens spoke in support of the amendment: **Betsy Burton, Dan Colangelo, Fred Cox, Carla Hukee, Mary Corporn and Jim Ack.**

The following Citizens spoke in opposition of the amendment: **Heidi Spoor, Virginia Hylton, Cindy Cromer, Rinalido Hart, and Gary Harrison.**

Councilmember Simonsen moved and Councilmember Jergensen seconded to **close the public hearing and refer the proposed ordinance to the Council's small business sub-committee for further review and tentatively schedule Council action for June 3, 2008**, which motion carried, all members voted aye.

Councilmember Simonsen said the sub-committee for small business issues had recently been formed and they did not have the ordinance for the sub-committee meetings.

(P 08-7)

7:57:43 PM COMMENTS TO THE CITY COUNCIL

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The following citizens made comments to the City Council: **Cindy Cromer** was opposed to utility installations being handled as routine and uncontested. **Jason Esplin** was in support of the TRAX alignment being on 400 West. **Christopher Stason** and **Lee Childs** spoke in support of the Home Owners Bank protection. **Michael Packard** spoke in opposition to the Airport light rail. **Terry Hurst** and **Angie Vorher** spoke in support of TRAX.

The following citizens submitted comment cards but did not wish to speak: **John Haymond** and **Ruby Chacon** were in support of TRAX light rail on 400 West. **Julia Reid** and **James Lunbeck** spoke regarding the power line on 800 South.

UNFINISHED BUSINESS

#1. 8:12:41 PM RE: Adopting a resolution supporting the **Northwest Quadrant Community Master Plan Visioning Document**. See Attachment

This item was postponed.
(R 08-3)

#2. 8:12:51 PM RE: Adopting a resolution accepting an **annexation petition** for approximately **300 acres** of land generally located between the **Jordan River** to approximately **2400 West**, and between the existing Salt Lake City Boundary at **1700 North to 2400 North** pursuant to Petition No. 400-08-03. (**BNA Realty Group, LLC**). See Attachments

Councilmember Christensen moved and Councilmember Turner seconded to **adopt Resolution 23 of 2008**, which motion carried, all members voted aye.
(P 08-9)

#3. RE: 8:13:17 PM Adopting a resolution regarding the proposed resolution to extend the time period for **satisfying the conditions** set forth in Ordinance No. 24 of 2006, annexing approximately 406 acres of property located in the vicinity of **2982 East Benchmark Drive** pursuant to Petition No. 400-05-41. (**Romney Lumber/Carson Annexation/Settlement agreement**)See Attachments

Councilmember Simonsen moved and Councilmember Martin seconded to **adopt Resolution 24 of 2008** and extending the time period for satisfying the conditions set forth in Ordinance 24 of 2006 relating to the Romney Lumber/Carson Annexation and settlement agreement **for two years to May 10th 2010 with up to two 1 year extensions if needed in order to complete all of the approvals**, which motion carried, all members voted aye.
(P 06-1)

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#4. 8:14:17 PM RE: Adopting a resolution designating an **assessment area** to be known as the "Salt Lake City, **Utah Sidewalk Replacement #102145** and **Lyman Court #102146** Special Assessment Area" the "Assessment Area") generally as described in the Notice of Intention designating the proposed assessment area; authorizing the City Officials to proceed with the acquisition and construction of the improvements as set forth in the Notice of Intention; and related matters. See Attachments

Councilmember Garrott moved and Councilmember Jergensen seconded to **adopt Resolution 25 of 2008**, which motion carried, all members voted aye.

(Q 08-3)

#5. 8:14:45 PM RE: Adopting a resolution conditionally **accepting bids** for purchasing of materials and construction work and, subject to approval of the City Engineer, authorizing **execution of a construction contract** with the apparent low bidder for construction of improvements within the "Salt Lake City, **Utah Sidewalk Replacement #102145** and **Lyman Court #102146** Special Assessment Area" (the "Assessment Area"); providing for the construction of certain infrastructure improvements consisting of sidewalk, pavement, storm drainage, and water main improvements, as well as other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (collectively, the "Improvements"); authorizing the issuance of interim warrants and the addition of the interest thereon to assessable costs; and related matters. See Attachments

Councilmember Simonsen moved and Councilmember Garrott seconded to **adopt Resolution 26 of 2008**, which motion carried, all members voted aye.

(Q 08-3)

#6. 8:15:09 PM RE: Adopting a resolution appointing a **Board of Equalization** and review for the "Salt Lake City, **Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136**"; setting the dates for the Board of Equalization to hear and consider objections and corrections to any proposed assessments; authorizing the City Recorder to publish and mail a notice of meetings of the Board of Equalization and Review; and related matters. See Attachments

Councilmember Garrott moved and Council Martin seconded to **adopt Resolution 27 of 2008**, which motion carried, all members voted aye.

(Q 07-4)

#7. 8:15:41 PM RE: Adopting an ordinance amending **Section 21A.02.050**, Salt Lake City Code, pertaining to applicability, **Table**

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21A.24.190 Salt Lake City Code, pertaining to Permitted and Conditional Uses for Residential Districts, **Table 21A.26.080**, Salt Lake City Code, pertaining to Permitted and Conditional Uses for Commercial Districts, **Table 21A.30.050**, Salt Lake City Code, pertaining to Permitted and Conditional Uses for Downtown Districts, **Table 21A.31.050**, Salt Lake City Code, pertaining to Permitted and Conditional Uses in the Gateway District, **Table 21A.32.140**, Salt Lake City Code, pertaining to Permitted and Conditional Uses for Special Purpose Districts, **Table 21A.36.020(B)**, Salt Lake City Code pertaining to obstructions in required yards pursuant to Petition No 400-06-35. See Attachment

Councilmember Jergenson moved and Councilmember Christensen seconded to **adopt Ordinance 21 of 2008**, allowing certain utility installations to be handled as routine and uncontested matters in certain zoning districts and to establish criteria and standards for these installations in these particular zoning districts with the following amendments: 1) **The Zoning Administrator shall require** the signatures of all abutting property owners, including property owners across the street, in the regular process for considering any routine and uncontested matters relating to ground-mounted utility boxes; 2) **The affected Community Council will be notified of the request and of the Administrative Hearing, if applicable;** 3) Medium or large boxes, when located on private property in Commercial, Downtown, Gateway, and some Special Purpose Districts (all except Natural Open Space, Mixed Use, Mobile Home Park, and Open Space districts), would be allowed as routine and uncontested matters, subject to the screening and location standards outlined in the proposed Section 21A.04.160.; 4) Remove current references to provisions dealing with medium and large boxes, and **continue discussion on the other aspects of this ordinance**, including provisions dealing with Medium and Large boxes located in the public way, to a future date. In the interim these boxes would continue to be processed as conditional uses, which motion carried, all members voted aye.

Councilmember Jergensen said the City was growing in terms of and requirements for power and technology which the small boxes were necessary.

Councilmember Simonsen moved and Councilmember Martin seconded for a friendly amendment to **remove the line** in the ordinance that deals with "**clustering**" of utility boxes, and instead, the ordinance should stay silent on the matter of clustering, which motion carried, all members voted aye.

(O 08-4)

#8. 8:24:59 PM RE: Adopting an ordinance (1) approving and authorizing the execution and delivery of, an Interlocal Agreement by and between Salt Lake City Corporation and the Utah Transit Authority

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(UTA) (A) relating to the design, construction, ownership, and funding of an **extension of the TRAX Light Rail Line to the Salt Lake City International Airport**; (B) providing for the alignment of the Light Rail Line; (C) providing for seven **Light Rail Stations**; and (D) providing for other related matters; (2) authorizing the execution and delivery of a public way use agreement granting to UTA certain City street surface use rights for operation of the Light Rail Extension; and (3) authorizing and approving the execution and delivery of all documents necessary to consummate the foregoing transactions; and related matters. See Attachment

Councilmember Christensen moved and Councilmember Jergensen seconded to **adopt Ordinance 22 of 2008**, approving and authorizing the execution and delivery of, an Interlocal Agreement by and between Salt Lake City Corporation and the Utah Transit Authority (UTA) relating to the design, construction, ownership, and funding of an extension of the TRAX Light Rail Line to the Salt Lake City International Airport with the following amendments:

- In lieu of building a station at 2200 West immediately, that Paragraph 7.2.3 be amended as follows: "Prior to the construction of the 2200 West Station UTA shall, at its cost and expense, provide transit service between the Winifred Station and the area bounded by 2200 West, 2200 North, 1950 West, and North Temple, UTA shall schedule such services at frequencies that provide regular, consistent service; provided that service during peak business hours shall be consistent with TRAX System service.
- The proposed agreement includes a section expanding the free-fare zone downtown eastward to 300 East Street.

UTA has requested the following addition to the Agreement:

- Section 10 will be amended to include an analysis of potential modification to the Free Fare Zone based on the introduction of UTA'S electronic fare collection system.
- That Article 13 titled *Funding of Project Costs* be revised to indicate that the City will either assign to UTA, or act as a conduit to UTA for, revenue raised from 20 percent of local option highway construction and corridor preservation fees, currently authorized in an amount up to \$10, on each motor vehicle registration within Salt Lake County, and that UTA would use the registration fees in a manner consistent with S. B. 245. Such fees, or amounts equivalent to such fees, shall be provided to UTA until UTA has received a total of \$35 million, plus interest at annual rate per annum to be determined by the Mayor, but not exceed six (6) percent.

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As well the following legislative intent statements:

- It is the intent of the City Council that the 400 West alignment is the preferred alignment of the project.
- It is the intent of the City Council that the studies referenced in the interlocal agreement Section 10.1.3 and titled *Downtown Light Rail Track Expansion* include a study of a bus transit corridor on 600 West Street that would connect 600 West Street to the station at North Temple Street and 800 West and to the Intermodal Hub.
- It is the intent of the City Council that the variation of the 400 West alignment known as the "200 North jog" be studied as a potential alternative to building an overpass or a viaduct parallel to the North Temple viaduct.
- It is the intent of the City Council that the Community and Economic Development Department bring the Council a proposal prior to the adoption of the City budget for the 2008-2009 fiscal year that would address funding requirements and a time-line to work toward adopting a master plan amendment and rezoning requirements for the North Temple Transit Corridor within a short but reasonable time.
- It is the intent of the City Council that the Community and Economic Development Department bring the Council a proposal prior to the adoption of the City budget for the 2008-2009 fiscal year that would address funding requirements and a time-line to work toward adopting small area plans and rezoning requirements for the area on both sides of 600 West Street and the area around the Intermodal Hub within a short but reasonable time.
- It is the intent of the City Council that any public park and ride lots designed and built in conjunction with the light rail line be designed to serve the residents of neighborhoods near light rail stations and provide designs complimentary to the City's plans to design a multi-modal boulevard on North Temple.
- It is the intent of the City Council that the City and UTA work together to find ways to facilitate the demolition and rebuilding of the North Temple Viaduct to make the intersection of 400 West Street and North Temple a fully functional intersection. A roll call vote was taken which motion carried, all members voted aye.

Councilmember Simonsen moved and Councilmember Garrott seconded the following intent statements be added:

- It is the intent of the City Council that park and ride facilities be explored west of I-215.
- It is the intent of the City Council that we have criteria that addresses the eventual operation of a

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2200West light rail station, that the Council consider exploring construction of the station now but leaving it up to the criteria established before beginning the operation of that facility. A roll call vote was taken, which motion carried, all members voted aye.

(C 08-276) (R 07-18)

CONSENT AGENDA

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

#1. RE: Approving Resolution 28 of 2008 authorizing the approval of the **Collection Agreement** between **USDA Forest Service, Uinta-Wasatch-Cache National Forest, Salt Lake Ranger District, and Salt Lake City Corporation.**

(C 08-275)

#2. RE: Approving the appointments of the following individuals to be reappointed to serve on the Mayor's Records Appeals Board for a term of two (2) years. Members to be reappointed are: Jennifer Eshelman, member from the public; Karryn Greenleaf, records committee member; Pamela Thomas, records committee member; Russell Weeks, records committee member; Crayola Berger, alternate records committee member; Jim Lewis, alternate records committee member. New appointment member: Jess Hofberger, alternate member from the public.

(I 08-4)

#3. RE: Confirming the date of May 20, 2008 at 7:00 p.m. to accept public comment and consider adopting an ordinance rezoning properties located at 728, 732, 752, and 766 North Redwood Road, and amending the zoning map, with conditions and time limitation pursuant to Petition No. 400-07-26. (Thomas T. Phung)

(P 08-8)

#4. RE: Approving the correction term dates for the appointments of Earle Bevins III, Polly Hart, and Arla Funk to the Historic Landmark Commission for a term extending through July 14, 2011.

(I 08-2)

#5. RE: Approving the correction term dates for the appointments of Wayne Holland, Michael Zuhl and David Ibarra to the Airport Board for a term extending through January 16, 2012.

(I 08-3)

#6. RE: Approving the reappointment of Cristy Gleave to the

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Human Rights Commission for a term extending through December 23, 2012.
(I 08-5)

#7. RE: Adopting **Resolution 29 of 2008** adopting the **tentative budgets** of Salt Lake City, Utah, including the tentative budget of the **Library Fund**, for Fiscal Year 2008-2009.
(B 08-1) (B 08-2)

#8. RE: Setting the date of **May 20, 2008 at 7:00 p.m.** to accept public comment and consider adopting an ordinance adopting the **final budget**, excluding the budget for the **Library Fund** which is separately adopted, and the employment staffing document for Salt Lake City, Utah for Fiscal Year 2008-2009. (Note: This public hearing will address all issues associated with the 2008-2009 Budget including the Library Fund).
(B 08-1)

#9. RE: Setting the date of **May 20, 2008 at 7:00 p.m.** to accept public comment and consider adopting an ordinance adopting the **final budget** for the **Library Fund** of Salt Lake City, Utah for Fiscal Year 2008-2009.
(B 08-2)

#10. RE: Setting the date of **May 20, 2008 at 7:00 p.m.** to accept public comment and consider adopting an ordinance adopting the **rate of tax levy** upon all real and personal property within Salt Lake City, Utah made taxable by law for Fiscal Year 2008-2009.
(B 08-6)

#11. RE: Setting the date of **May 20, 2008 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Sections 17.16.670 and 17.16.680** of the Salt Lake City Code, relating to **Water Rates**.
(O 04-14)

#12. RE: Setting the date of **May 20, 2008 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Section 5.04.160** of the Salt Lake City Code, relating to the **Innkeeper License Tax**.
(O 08-5)

#13. RE: Setting the date of **May 20, 2008 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Section 5.71.220** of the Salt Lake City Code, relating to the **application fee for Ground Transportation Vehicle Operator's Certificate**.
(O 05-2)

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#14. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Section 5.71.290** of the Salt Lake City Code, relating to **charging fees for Inspections of Ground Transportation Vehicles.**

(O 05-2)

#15. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Section 12.56.550** of the Salt Lake City Code, relating to **civil penalties for unauthorized use of streets, parking lots and other areas.**

(O 08-6)

#16. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Chapter 2** of the Salt Lake City Code, to **reflect changes in the structure of the City Administration.**

(O 08-7)

#17. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Section 5.04.070** of the Salt Lake City Code, relating to **Business License Regulatory Fees and disproportionate costs, revising Schedule 1 of Title 5 listing Regulatory Fees, and adopting Schedule 2 of Title 5 listing fees for disproportionate costs.**

(O 04-22)

#18. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Section 12.96.025** of the Salt Lake City Code, relating to **vehicle towing, impound, storage and booting fees.**

(O 08-8)

#19. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider amending **Chapter 15.24** of the Salt Lake City Code, relating to **cemeteries.**

(O 05-11)

#20. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Article 1 of Chapter 2.52** of the Salt Lake City Code, relating to **compensation and staffing.**

(O 08-9)

#21. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance approving **salaries for Salt Lake City Justice Court Judges** for Fiscal Year 2008-2009.

(O 08-10)

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#22. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Section 15.16.090** of the Salt Lake City Code, relating to **Recreation Program Fees.**

(O 07-14)

#23. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending all **Planning, Zoning, Building Permit and related fees.**

(O 08-11)

#24. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Chapter 2.54.030** of the Salt Lake City Code, relating to **fees for use of City-Owned Motor Vehicles.**

(O 08-12)

#25. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance approving a **memorandum of understanding** between Salt Lake City Corporation and Local 1004 of the American Federation of State, County and Municipal Employees (AFSCME), representing the **"100 and 200 Series"** City Employees, which shall become effective on proper ratification and signature.

(O 08-13) (O 08-14)

#26. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **appropriating** necessary funds to implement, for Fiscal Year 2008-2009, the provisions of the **memorandum of understanding** between Salt Lake City Corporation and Local 1004 of the American Federation of State, County and Municipal Employees (AFSCME), representing the **"100 Series"** City Employees, dated on or about June____, 2008.

(O 08-13)

#27. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **appropriating** necessary funds to implement, for Fiscal Year 2008-2009, the provisions of the **memorandum of understanding** between Salt Lake City Corporation and Local 1004 of the American Federation of State, County and Municipal Employees (AFSCME), representing the **"200 Series"** City Employees, dated on or about June____, 2008.

(O 08-14)

#28. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance approving a

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memorandum of understanding between Salt Lake City Corporation and Local 1645 of the International Association of Firefighters (IAFF) representing the "**400 Series**" City Employees, which shall become effective on proper ratification and signature.

(O 08-15)

#29. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **appropriating** necessary funds to implement, for Fiscal Year 2008-2009, the provisions of the **memorandum of understanding** between Salt Lake City Corporation and Local 1645 of the International Association of Firefighters representing the "**400 Series**" City Employees, dated on or about June __, 2008.

(O 08-15)

#30. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **appropriating** necessary funds to implement, for Fiscal Year 2008-2009, the provisions of the **memorandum of understanding** between Salt Lake City Corporation and the Salt Lake Police Association, International Union of Police Associations, Local 75, AFL-CIO, representing the "**500 Series**" City Employees, dated on or about June 15, 2006.

(O 06-13)

#31. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance approving a **compensation plan** for **Appointed Employees and Elected Officials**.

(O 08-16)

#32. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance approving a **compensation plan** for "**300 Series and 600 Series**" employees.

(O 08-17)

#33. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance approving a **compensation plan** for "**700 Series**" employees.

(O 08-18)

#34. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance approving a **compensation plan** for "**800 Series**" employees.

(O 08-19)

#35. RE: Setting the date of **May 20, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance approving a **compensation plan** for "**900 Series**" employees.

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(O 08-20)

The meeting adjourned at 8:37 p.m.

Council Chair

Acting City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held May 6, 2008.

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