

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, DECEMBER 9, 2008

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, December 9, 2008 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	Søren Simonsen	Luke Garrott
Jill Remington Love	Eric Jergensen	Van Turner
JT Martin		

Cindy Gust-Jenson, Executive Council Director; David Everitt, Mayor's Chief of Staff; Edwin Rutan, City Attorney; and Beverly Jones, Deputy City Recorder, were present.

Councilmember Love presided at and conducted the meeting.

#1. [7:07:53 PM](#) The Council led the Pledge of Allegiance.

#2. [7:08:27 PM](#) Recognition of outgoing City Council Chair: Jill Remington Love.

Councilmember Christensen presented a gift of recognition to Councilmember Love for her distinguished service as Council Chair this past year.

#3. [7:18:54 PM](#) Councilmember Turner moved and Councilmember Simonsen seconded to approve the minutes of the Salt Lake City Council meeting held **December 2, 2009**, which motion carried, all members voted aye except Councilmember Jergensen who was absent for the vote.
(M 08-3)

#4. [7:12:18 PM](#) The Council will recognize **Fire Chief Dennis McKone** and consider adopting a resolution with the Mayor recognizing the accomplishments of Fire Chief McKone.

Councilmember Christensen read the resolution.

Councilmember Christensen moved and Councilmember Turner seconded to adopt **Resolution 48 of 2008** with the Mayor, which motion carried, all members voted aye except Councilmember Jergensen who was absent for the vote.
(R 08-1)

PUBLIC HEARINGS

#1. [7:19:10 PM](#) **RE:** Accept public comment and consider an ordinance adopting the **Solid Waste Management Facility Budget**, as prepared and submitted by the Salt Lake Valley Solid Waste Management Council for

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Calendar Year 2009 subject to specific policy directives.

Councilmember Turner moved and Councilmember Garrott seconded to **close the public hearing**, which motion carried, all members voted aye except Councilmember Jergensen who was absent for the vote.

Councilmember Turner moved and Councilmember Garrott seconded to adopt **Ordinance 88 of 2008**, which motion carried, all members voted aye except Councilmember Jergensen who was absent for the vote.

(B 08-3)

#2. 7:19:54 PM RE: Accept public comment and consider adopting an ordinance **extending the corporate limits of Salt Lake City to include approximately 330 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**, amending the Northwest Community Master Plan and the Northpoint and Rose Park Small Area Plans and amending the Zoning Map pursuant to Petition No. 400-08-03. (Represented by BNA Realty.)

Councilmember Simonsen moved and Councilmember Christensen seconded to **close the public hearing**, which motion carried, all members voted aye except Councilmember Jergensen who was absent for the vote.

Councilmember Christensen moved and Councilmember Turner seconded to adopt **Ordinance 86 of 2008**, which motion carried, all members voted aye except Councilmember Jergensen who was absent for the vote.

(P 08-9)

#3. 7:21:23 PM RE: Accept public comment and consider adopting an ordinance **rezoning portions of property located at 754 North 300 West** and amending the zoning map pursuant to Petition No. 400-08-04.

Councilmember Garrott moved and Councilmember Simonsen seconded to **close the public hearing**, which motion carried, all members voted aye except Councilmember Jergensen who was absent for the vote.

Councilmember Garrott moved and Councilmember Turner seconded to adopt **Ordinance 89 of 2008**, which motion carried, all members voted aye except Councilmember Jergensen who was absent for the vote.

(P 08-16)

7:22:28 PM COMMENTS TO THE CITY COUNCIL

Marsha Merrill spoke in support of progressive zoning, **Jeff Bair** and **Joe** and **Shayla DeGooyer** spoke in opposition to St. Joseph's Villa expansion. **Hamid Saoudian** said he wanted to speak about the negative impacts of the proposed cut of the Software Engineering Manager

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position in the mid-year budget adjustment document.

The following people spoke or submitted a hearing card in favor of the "Barlow fence" on California Avenue: **Eslie Barlow; Jay Ingleby; Gary Frech; Randy J. Sorensen; Ian Olschewski; Abe Barlow; James Morse; Ray Kirechoffer; Janet Knudsen; Cleo Barlow; Eme Barlow; Buckley Barlow; Debbie Wayman; Ron Wood; Gloria Udy; Jack T. Udy; Jim Murse and Richard Bowden.**

The following people spoke in opposition to the State Recycling Market Development Zone program: **Jay Ingleby and Randy J. Sorensen.**

The following people spoke in support of the State Recycling Market Development Zone program: **Kate Whitbeck and Larry Gibbons.**

The following people spoke in support of the temporary zoning for a temporary homeless Shelter: **Jose Lazaro and Matt Minkevitch.**

The following people spoke in opposition of the temporary zoning for a temporary homeless shelter: **Christian Harrison; Pete Henderson and Mickelle Weber.**

UNFINISHED BUSINESS

#1. RE: [9:00:43 PM](#) Adopting an ordinance amending Salt Lake City Ordinance 64 of 2008 which adopted the final budget of Salt Lake City, Utah, for the fiscal year beginning July 1, 2008 and ending June 30, 2009. (Budget Amendment No. 1)

Councilmember Simonsen moved and Councilmember Turner seconded to adopt **Ordinance 87 of 2008 amending the budget for Fiscal Year 2009 including mid year budget reductions as itemized per the attached key changes schedule with the exception of the property transaction related to Barnes Bank Building and that the Council Office budget be reduced by 1%,** which motion carried, all members voted aye.

Councilmember Simonsen moved and Councilmember Garrott seconded to adopt the item related to the purchase of the Barnes Bank building (total purchase price of \$3.5 million) and to be paid out of the surplus land account to be reimbursed with sales tax bond proceeds and with up to \$2.7 million in tenant improvements and with up to \$2 million in tenant improvements for energy efficiency related improvements, which motion carried, all members voted aye [except Councilmember Jergensen who was recused for the vote.](#)

Discussion held during Work Session.

(B 08-9)

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#2. 8:08:11 PM RE: Adopting a resolution of the Salt Lake City Council approving the **submission of an application to the State Recycling Market Development Zone program** ending June 30, 2009.

Councilmember Garrott moved and Councilmember Martin seconded to **adopt the resolution.**

Councilmember Turner said he was opposed to the recycle zone. He said he felt Glendale was the dumping ground for the City.

Councilmember Christensen said he would vote against the issue. He said the Council was voting on this for a tax benefit for the companies in the current tax year. He said he was not sure the community realized the Council had brought this issue back.

Councilmember Simonsen said he understood there were many issues associated with manufacturing uses within the City. He said the Council was not proposing a zone change. He said by creating incentives to produce clean manufacturing facilities, he felt they would create positive benefits for the community. He said because there were concerns raised in the community the Council could consider a legislative intent to check buffering between manufacturing uses as appropriate adjacent to residential uses.

Councilmember Garrott said he was sensitive to the Westside citizens concerns. He said adverse effects on neighborhoods needed to be mitigated. He said recycling was a public good. He said he would vote in favor of this issue.

Councilmember Garrott said he wanted to withdraw his original motion and make a substitute motion.

Councilmember Garrott moved and Councilmember Simonsen seconded to adopt **Resolution 46 of 2008** with the following amendments: **That the eighth "Whereas" clause be amended to read as follows: Whereas the City's program will be limited to businesses located in the light manufacturing "M-1" or heavy manufacturing "M-2" districts that are currently operating as of the date of this resolution that are either west of I-215 or north of 600 North and that meet the other "business qualifications" as defined in the City's program application to the state. I further move that "the business qualifications" as defined in the City's program application to the State be amended to state that only businesses that are currently operating as of the date of this resolution west of I-215 and north of 600 North qualify for the recycle market development program.**

Councilmember Simonsen said they should decide how the proposal

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could be modified so it was applicable and suitable. He said he felt the intent was to create a zone for development of these businesses in the future.

Councilmember Turner said the process was not transparent. He said this issue was brought to the Council as an economic development tool for the Westside to bring new businesses. He said he did not want more businesses of this kind on the Westside.

Councilmember Love said she would be voting for the motion but she was uncomfortable this issue came to them so late. She said this was not the right process to follow and there should have been more public notice.

Councilmember Jergensen said he would vote in favor of the issue but he did not like the fact this issue had moved so quickly. He said Councilmember Turner's concerns were valid. He said this could explode into something larger than the Council intended.

Councilmember Love called for the question, which motion carried, all members voted aye except Council Members Turner and Christensen who voted nay.

Councilmember Simonsen moved and Councilmember Jergensen seconded to adopt a **Legislative Intent to the Administration to evaluate some of the impacts throughout the manufacturing zoning districts on adjacent non-manufacturing and particularly residential districts and also to explore the applicability of this recycling incentive program in other appropriate zoning areas and in other locations throughout the City that were not within the current geographic areas defined by the ordinance.**

Councilmember Love called for the question, which motion carried, all members voted aye except Council Members Turner and Christensen who voted nay.

(R 08-1)

#3. RE: [8:25:23 PM](#) Adopting a resolution providing for a public hearing on January 6, 2009 at 7:00 p.m. to accept public comment relating to the issuance of sales tax revenue bonds to finance the acquisition, improvement and remodeling of a building for use as City offices and providing for related matters.

Councilmember Simonsen moved and Councilmember Garrott seconded to adopt **Resolution 47 of 2008** setting the date of **January 6, 2009 at 7:00 p.m.** to hold the public hearing, which motion carried, all members voted aye except Councilmember Jergensen who was recused.

(Q 08-11)

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#4. RE: [8:25:52 PM](#) Adopting an ordinance enacting temporary zoning regulations **authorizing Homeless Shelter Overflow Use at 437 West 200 South.**

Councilmember Christensen moved and Councilmember Simonsen seconded to adopt **Ordinance 90 of 2008.**

Councilmember Christensen said the Council needed to find a long term strategy which would work better for the neighborhood. He said he was respectful of property owners and other residents that had expressed concerns.

Councilmember Garrott moved and Councilmember Jergensen seconded to **pass the text with an amendment as stated with the time period expiring not in six months but March 1st.**

Councilmember Martin said he also wanted to shorten the time period. He said the Council needed to address the ongoing problems and find alternatives to take care of the needy. Councilmember Christensen said he was worried about the substitute motion because of freezing temperatures in March.

Councilmember Turner said he did not want someone to freeze to death on April 1st. He said they needed to come up with a better program. Councilmember Jergensen said he was going to vote in favor of the motion. He said there was a need to help and preserve life. He said he was sensitive to the neighborhood. He said there was commitment by the Council and the Administration to look at a long term solution.

Councilmember Simonsen said he did not know if he would support the substitute motion. He said he agreed long term solutions were needed. He said it was unfortunate the Council had to use this to address a problem that has been ongoing for a long time.

Councilmember Love called for a vote on the substitute motion, which motion failed, Council Members Martin, Garrott and Jergensen voted aye and Council Members Simonsen, Turner, Christensen and Love voted nay.

Councilmember Love called for the question on the original motion, which motion carried, all Council Members voted aye.
(O 08-29)

#5. RE: Approving the appointment of **Heather Simonsen** to the **Library Board** for a term extending through June 30, 2010.

Councilmember Turner moved and Councilmember Jergensen seconded to

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approve the appointment, which motion carried, all Council Members voted aye except Councilmember Simonsen who was recused for the vote.
(I 08-15)

CONSENT AGENDA

8:37:42 PM Councilmember Love said on the advice of the City Attorney's Office, Item G-9, the appointment of Heather Simonsen, needed to be pulled from the Consent Agenda. She said the vote would be taken under Unfinished Business.

Councilmember Jergensen moved and Councilmember Turner seconded to approve the Consent Agenda with the exception of Item G-8, which motion carried, all members voted aye.

#1. RE: Setting the date of **January 6, 2009 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending Section 21A.24.190, Salt Lake City Code, **pertaining to the Table of Permitted and Conditional Uses for Residential Districts, Private Clubs in Residential Mixed Use Zoning Districts** pursuant to Petition No. 400-06-45 (Andy's Place).
(P 08-17)

#2. RE: Setting the date of **January 6, 2009 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending the sunset provision set forth in Ordinance 74 of 2006 **pertaining to the expedited approval process for construction-related activities** in a portion of the downtown area.

#3. RE: Approving the appointment of **Esperanza Granados** to the **Human Rights Commission** for a term extending through December 28, 2010.
(I 08-5)

#4. RE: Approving the appointment of **T. Christopher Wharton** to the **Human Rights Commission** for a term extending through December 28, 2009.
(I 08-5)

#5. RE: Approving the appointment of **Paula Carl** to the **Housing Trust Fund Advisory Board** for a term extending through December 21, 2009.
(I 08-25)

#6. RE: Approving the appointment of **Wayne Anderson** to the **Golf Enterprise Fund Advisory Board** for a term extending through December 21, 2009.
(I 08-21)

#7. RE: Approving the appointment of **Julia Robertson** to the

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Community Development Capitol Improvement Programs Advisory Board for a term extending through June 6, 2011.
(I 08-22)

The meeting adjourned at 9:30 p.m.

Council Chair

City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held December 9, 2008.

bj