

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, APRIL 13, 2010

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, April 13, 2010 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	JT Martin	Stan Penfold
Jill Remington Love	Søren Simonsen	Luke Garrott
Van Turner		

Cindy Gust-Jenson, Executive Council Director; Edwin Rutan, City Attorney; Mayor Ralph Becker; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Martin presided at and Councilmember Penfold conducted the meeting.

OPENING CEREMONY

#1. 7:00:44 PM The Council led the Pledge of Allegiance.

#3. 7:02:15 PM Councilmember Turner moved and Councilmember Simonsen seconded to **approve the minutes** for the Salt Lake City Council meeting held **March 30, 2010**, which motion carried, all members voted aye.

(M 10-3)

PUBLIC HEARINGS

#1. **RE:** 7:03:49 PM Accept public comment and consider adopting a resolution authorizing Salt Lake City Corporation to file an **eminent domain action** concerning a **billboard** located at **204 West 2100 South** in accordance with Utah Code Sections 78B-6-501, et seq., 72-7501, et seq. and 10-9a-513. View Attachments

Councilmember Martin moved and Councilmember Simonsen seconded to **continue the public hearing to a future Council meeting**, which motion carried, all members voted aye.

(R 10-5)

#2. **RE:** 7:05:38 PM Accept public comment regarding a resolution to (a) finance the cost of certain **infrastructure improvements** consisting of the reconstruction of the roadway pavement, and the construction and installation of the Jordan River bridge, curbs, multipurpose walkways, driveway approaches, walkway access ramps, bicycle and pedestrian paths, pedestrian crosswalks, decorative walkway pavements and treatments, street corner treatments, park strip landscaping, irrigation systems, landscaped median islands, site

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acquisitions, storm drainage facilities, street and pedestrian lighting system, traffic signals, and public art, together with all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; (b) pay a portion of the cost of said improvements by assessments to be levied against properties benefited by such improvements; (c) pay certain operation and maintenance costs with respect to street and pedestrian lighting, landscaping, irrigation system, and pedestrian walkways by assessments to be levied against properties benefited by such improvements; (d) provide notice of intention to designate an **assessment area**, to authorize such improvements, and to fix a time and place for protests against such improvements or the designation of said assessment area; to declare the City's official intention to reimburse itself for expenditures paid by it prior to the issuance of tax-exempt bonds; and related matters. **(North Temple Boulevard SAA) View Attachments**

Greg Gruber, Bill Puckett, Muriel Wilson, Bart Timothy and Gary Sandberg spoke in opposition of the proposal. Comments included detrimental impact on local businesses, disrupted ingress/egress, excessive assessment, voluntary contributions, financial hardship, lots impacted by viaduct development, Utah Transit Authority disputes, access to public information, justify assessment, recession impact, declining property values, escalating maintenance fees, potential business failures, consider business owners needs/concerns, distribute financial burden fairly and destruction of mature trees/vegetation.

Councilmember Christensen moved and Councilmember Simonsen seconded to **close the public hearing**.

Councilmember Penfold asked for clarification on the issue. Ms. Gust-Jenson said she wanted to read a statement to address a question raised during the comment period regarding the status of the proposal with respect to the percentage of protests. She said the Council received the final tabulations for the original special assessment area, which tallied 51.53% of property owners. She said the percentage was calculated using individual property owners street frontage as compared to the total street frontage. She said according to State statute, the Council could not adopt the SAA as proposed. She said a complete list was provided to Council Members.

Ms. Gust-Jenson said staff's recommendation was for Council to totally close out this special assessment area by adopting a resolution during next week's Council meeting. She said this would bring a clear end to the current proposal. She said the Administration planned to present a new proposal at the next meeting and to ask the Council to adopt an additional resolution initiating the new proposal. She said new figures would be included in the proposal.

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Councilmember Christensen said originally there was discussion with property owners about continuing the current process/proposal. He said after Ms. Gust-Jenson's statement, he thought it was clear the process would start over again should the Council choose to pursue that. He said unless mistaken, he felt it was important for property owners to understand that any current protests would not count toward a future district. Ms. Gust-Jenson said that was correct. She said the current proposal would be entirely closed out and a new/separate proposal would be presented to the Council based on feedback from the Administration.

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

(Q 10-2)

POTENTIAL ACTION ITEMS

#1. RE: 7:21:59 PM Adopting an ordinance **amending** Salt Lake City Ordinance 17 of 2009 which adopted the **final budget** of Salt Lake City, Utah, for the Fiscal Year beginning **July 1, 2009 and ending June 30, 2010. View Attachments**

Councilmember Simonsen moved and Councilmember Christensen seconded to **adopt Ordinance 22 of 2010, authorizing the budget transfer of \$1,647,840 from the Surplus Land Account for the purposes of the Public Safety Complex block and potential Transit Oriented Development,** which motion carried, all members voted aye, except Councilmember Martin, who was absent for the vote.

Councilmember Simonsen moved and Councilmember Turner seconded to **adopt Ordinance 22 of 2010, authorizing the reduction of the Council Office budget by \$24,000.** A roll call vote was taken, which motion carried, all members voted aye, except Council Members Garrott and Martin, who voted nay.

Councilmember Simonsen moved and Councilmember Garrott seconded to **adopt Ordinance 22 of 2010, postponing the payment of a \$300 one-time employee insurance reimbursement as initially proposed by the Administration,** which motion carried, all members voted aye.

Councilmember Christensen moved and Councilmember Love seconded to **adopt Ordinance 22 of 2010, authorizing all proposed revenue transfers/increases into the General Fund (including \$1.8 million from Downtown CIP Project, \$1,630,067 from closed CIP Projects, \$100,000 from increases in Engineering Billings, \$29,000 from Youth Services Fees, \$10,000 from HOME Administrative Funds.** A roll call vote was taken, which motion carried, all members voted aye, except Council Members Garrott and Simonsen, who voted nay.

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Councilmember Simonsen moved and Councilmember Christensen seconded to **adopt Ordinance 22 of 2010, authorizing all other budget reductions as proposed by the Administration**, which motion carried, all members voted aye.

(B 10-4)

#2. RE: 7:26:07 PM Adopting an ordinance amending certain Sections of Title 21A Zoning, Salt Lake City Code, regarding planned developments pursuant to Petition No. PLNPCM2009-00749. View Attachments

Councilmember Garrott moved and Councilmember Simonsen seconded that the Council request that the Administration evaluate allowing planned developments with no minimum lot size for all properties listed on the National Historic Register and in City Historic Districts as part of the next phase of revisions for the planned development regulations and further moved that the Council adopt Ordinance 23 of 2010, changing the City's zoning regulations related to planned developments as recommended by the Planning Commission.

Councilmember Garrott said this proposal related to implementation of some Council goals for the new preservation plan. He said the Administration indicated there would be a second round of PUD proposals and he wanted to ensure that historical preservation as stated in the motion was part of those second round proposals.

Councilmember Christensen asked for clarification of the motion. He said he thought the first part of the motion was a legislative intent and was not meant to be part of the ordinance being adopted. He said he felt the motion needed to be clear and wondered if bifurcating the two issues would help avoid confusion.

Edwin Rutan, City Attorney, said he understood the first part of the motion to be a legislative intent and was okay procedurally with them being in the same motion.

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

(P 10-3)

COMMENTS TO THE CITY COUNCIL 7:29:47 PM

Douglas Cotant said he wanted to serve on the Police Civilian Review Board and asked for information about the board. He said residents at the New Grand Apartments wanted permission to place benches outside the building.

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NEW BUSINESS

#1. RE: 7:32:10 PM Adopting a resolution authorizing Salt Lake City to **apply for a grant award from the United States Bureau of Reclamation for Water Efficiency and Conservation.** View Attachments

Councilmember Garrett moved and Councilmember Simonsen seconded to **suspend the rules and adopt Resolution 18 of 2010**, which motion carried, all members voted aye.

(R 10-6)

UNFINISHED BUSINESS

#1. RE: 7:32:59 PM Adopting an ordinance confirming the equalized assessment list and levying an assessment against certain properties in the Salt Lake City, **Utah Central Business Improvement Assessment Area No. CBIA-10** (the "CBIA-10 Assessment Area"), for the purpose of continuing to promote business activity and economic development in an area of the Central Downtown Salt Lake City, including but not limited to, advertising, banners, special events and festivals, newsletters and publications, Christmas lighting, and special projects (the "Economic Promotion Activities") in the downtown area; establishing the effective date of this ordinance; and related matters. View Attachments

Councilmember Garrett moved and Councilmember Simonsen seconded to **adopt Ordinance 24 of 2010**, which motion carried, all members voted aye.

(Q 09-10)

CONSENT AGENDA 7:33:45 PM

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

#1. RE: Approving the appointment of **Igor Best-Devereux** to the **Airport Board** for a term extending through January 20, 2014.

(I 10-10)

#2. RE: Approving the appointment of **Michael Gallivan** to the **Airport Board** for a term extending through January 20, 2014.

(I 10-10)

#3. RE: Setting the date of **April 27, 2010 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **amending the zoning map to eliminate the split-zoning** of certain lots in or adjacent to **Historic Overlay Zoning Districts**, pursuant to Petition No.

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PLNPCM2009-00021. View Attachments
(P 10-8)

#4. RE: Setting the date of **April 27, 2010** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **amending** certain Sections of **Title 21A (Zoning)**, Salt Lake City Code, pertaining to **Eleemosynary Facilities** pursuant to Petition No. PLNPCM2008-00937.
View Attachments
(P 10-9)

The meeting adjourned at 7:34 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 April 13, 2010.

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