

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, FEBRUARY 19, 2008

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, February 19, 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	Eric Jergensen	Luke Garrott
Jill Remington Love	Søren Simonsen	JT Martin

The following Councilmember was absent:

Van Turner

Cindy Gust-Jenson, Executive Council Director; Ed Rutan, City Attorney and Chris Meeker, Acting City Recorder; were present.

Councilmember Christensen presided at and conducted the meeting.

OPENING CEREMONY 7:08:42 PM

#1. The Council led the Pledge of Allegiance.

#2. 7:09:37 PM Councilmember Jergensen moved and Councilmember Martin seconded to approve the minutes for the Salt Lake City Council meeting held February 12, 2008, which motion carried, all members present voted aye. See Attachment (M 08-3)

COMMENTS TO THE CITY COUNCIL 7:10:03 PM

The following citizens spoke: Douglas Cotant, Jack Schiefer, 800 South projects; Steve Alder, power line project; Ken Bush, private education partner; Sarah Nelson, Rocky Mountain Power Expansion on 800 South; Joel Briscoe, Rocky Mountain Power; Patrice Schultz, transmission lines on 800 South; Mary AA, Rocky Mountain Power proposal for 800 South and Leigh Hansen, burying power lines.

The following citizens submitted cards but did not wish to speak regarding the proposed transmission line on 800 South: Sandra Birch, Mary Taylor, Bea Layton, Lynette Behunin, Kyle Norton, Krissie Norton, Antonia Felice, Julia Reid, Courtney and Mitch McBeth, Mark Maxfield, Malcolm Macleod, Gleed Toombes, Ben Behunin and Daniel Hansen.

UNFINISHED BUSINESS

#1. 7:27:00 PM Adopting an ordinance vacating portions of three City streets (1) West Temple between South Temple and 100 South; (2) South Temple Street between Main Street and State Street; and (3) 100 South Street between Main Street and State Street as part of the

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, FEBRUARY 19, 2008

proposed City Creek Center project. (Petition No. 400-06-38)

Councilmember Jergensen moved and Councilmember Love seconded to adopt Ordinance 5 of 2008.

Councilmember Simonsen asked if the City had any advantages or disadvantages to leasing or selling the property upon abandonment. Mr. Rutan said there were differences in why the City would choose to lease or sell property in a particular transition. He said it was a question of what the intention was. He said when sold the property was gone forever and when leasing property at the expiration of the term the property came back to the owner.

Councilmember Love asked if the choice to lease the property would be considered a public forum. Mr. Rutan said if the City was actively engaged in management then that would create a public forum. He said a simple lease by itself would not create a public forum.

Councilmember Love asked if it was an Executive Branch decision to lease or sell. She asked if the Council's role remained the same as to the lease or sale. Mr. Rutan said the Attorney's Office was looking into the matter.

Councilmember Simonsen asked what policy issues would be included and what the process was to include them. Mr. Rutan said the Attorney's Office was currently looking at the inclusion of policy issues in the sale. He said the place to put the policies would be in the ordinance.

Councilmember Jergensen asked if there was anything that stopped the Council from amending the ordinance at a later date. Mr. Rutan said the ordinance could be amended.

Councilmember Simonsen said he had three policy elements that were significant: future utilities and disposition, potential access to below grade entrances by others than City Creek Reserve Inc. (CCRI) and the nature of abandonment or reversionary provisions.

Councilmember Love asked if the Executive Branch would determine the lease of sale. Mr. Rutan said that was correct. Councilmember Love asked for a legislative intent from the Council regarding policy issues.

Councilmember Garrott asked why the issue of lease vs. sale was not brought up sooner. He asked why the issue was on the agenda. Councilmember Love said she did not know that Council Members still had questions.

Councilmember Simonsen moved to include as an amendment to the motion that a provision to preserve, guarantee or encourage potential

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, FEBRUARY 19, 2008

access to the mid-block access points by adjacent property owners other than CCRI, and also preserve or guarantee rights of reversion to the City should the right-of-ways be abandoned or the ability to negotiate in the event of multiple users other than CCRI be placed in the ordinance.

Councilmember Jergensen said he preferred Councilmember Simonsen's motion to be a legislative intent rather than a friendly amendment to the motion. Councilmember Love said City Creek needed to move forward and she understood the Administration would be collaborative with the negation of the agreement.

Councilmember Jergensen called for the question with a roll call vote, which motion carried, all members present voted aye.

Councilmember Simonson moved and Councilmember Jergensen seconded that the Council initiate a legislative intent to give the Administration direction regarding potential access beyond CCRI to underground crossings in the middle of the street and the City look at the potential complications of multiple sharing in terms of a reversion or abandonment clause and explore the potential for future utilities yet to be determined and how they might be negotiated depending upon sale or lease of the below grade rights to the street and others as the Administration may determine, which motion carried, all members present voted aye. See Attachments
(R 07-15)

The meeting adjourned at 7:52 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 February 19, 2008.

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