

**PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH**

**TUESDAY, JUNE 15, 2010**

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, June 15, 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  
Jill Remington Love  
Soren Simonsen

Stan Penfold  
Van Turner

Luke Garrott  
JT Martin

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

Councilmember Martin presided at and Councilmember Love conducted the meeting.

**OPENING CEREMONY**

#1. [7:05:16 PM](#) The Council led the **Pledge of Allegiance**.

#2. [7:05:42 PM](#) Councilmember Simonsen moved and Councilmember Christensen seconded to approve the Salt Lake City Council **minutes for June 8, 2010**, which motion carried, all members voted aye. [View Attachments](#)  
(M 10-3)

**PUBLIC HEARING**

#1. RE: [7:05:58 PM](#) Accept public comment relating to an ordinance amending Ordinance 13 of 2010 regarding a **temporary land use regulation** for the **Yalecrest National Historic District and the Westmoreland Place Subdivision**. [View Attachments](#)

The following spoke or submitted hearing cards in support of the temporary land use regulation: **Michael Jones; Matt Durham; Polly Hart; Cathy Kelner; Tracey Harty; Suzanne Broadbent; Constance Crompton; Kelly White; Lisette Gibson; Connie Baring-Gould; Sally Patrick; Libby Peterson; Gary Harding; Nathan Morgan; Warren Lloyd; Kelly Marinar; Anne Cannon; George Kelner; Cindy Cromer; Peggy Moore; Jan Ellen Burton; Brad Parker; C. Rodney Minister and Barbara Madsen.**

The following spoke or submitted hearing cards in opposition of the temporary land use regulation: **Matt Janke; Bob Lindsley; Randy Horiuchi; Nancy Lindsley; Margaret Tennant; Colleen Harker; Allison Dayton; Michelle Barber; James Guilkey; Stephen Waldron; Larry Maxfield; David Boren; Ashley Hoopes; Scott Parkinson; Ryan Bell; Curtis Pons; Craig Mordaunt; Dave Dansie; Susan Porter; Ken Strong; Sue**

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**Ulbrich; Esther Hunter; Steven Hansen; Pam Clawson; Penny Gregersen; Bruce Thielke; Butch Adams and Allen Hughes.**

Councilmember Penfold moved and Councilmember Simonsen seconded to **close the public hearing and defer to July 6, 2010 City Council meeting.**

Councilmember Love said the temporary zoning could not be extended past September 10<sup>th</sup>. She said this item needed to be deferred with some direction of what the process would be because July 6<sup>th</sup> would be too late.

Councilmember Martin said people were hoping for direction. He said if a neighborhood had more than 50% in favor of an historic district, he wanted them to continue the discussion. He said residents who did not have 50% needed an opportunity to hold a discussion without outside influence and interference.

Councilmember Simonsen said there were multiple issues in front of the Council. He said the specific one was whether to change the temporary zoning which went into effect in March and would expire in September. He said he felt he did not have the background to make an informed decision. He said he wanted recommendations from the Historic Landmarks Commission (HLC) and the Planning Commission with regard to recommendations about what action to take in a few months.

Councilmember Christensen said he was having a hard time voting for the motion. He said the input had been valuable. He said the moratorium was to hold off demolitions until the neighborhood could decide what they wanted to do. He said he struggled with deferring the motion because he felt they would not get where they needed to be by July 1<sup>st</sup>.

Councilmember Penfold said one issue was the divisiveness of the neighborhood. He said two things that were challenging was the misinformation on both sides about what was involved in a historic designation and the sense that other options had not been fully explored. He said the temporary zone had accomplished part of what the Council intended it to do but felt they needed consensus from the neighborhood. He said some neighborhoods could petition for an historic designation and continue the temporary zoning. He said he felt he did not have enough information.

Councilmember Love said the Council needed to take the time to do this right. She said she felt they were on a tight timeline to hold a discussion and make a decision on what was the best and appropriate tool for the neighborhood. She said the temporary zoning was inhibiting the Council's efforts to get the appropriate protections in place because of the artificial timeline.

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Councilmember Penfold asked Councilmember Martin to clarify the areas where the moratorium could be lifted. Councilmember Martin said above 1800 East including Laird along 1300 South to 1300 East.

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

Councilmember Penfold moved and Councilmember Simonsen seconded to **lift the temporary zoning on the areas east of 1800 East and the properties facing 1300 South to include Upper Laird Drive and Princeton Drive.**

Councilmember Love said she had concerns with that motion. She said she wanted to do all or nothing. She said she was comfortable referring it to July 6<sup>th</sup> but the Council needed to refer a decision with the understanding the Council would be on a clock when that decision was made. She said in that timeframe the Council could decide where they were going from here.

Councilmember Simonsen said he was still uncomfortable lifting the moratorium. He said he felt the potential risks outweighed the benefit. He said if the Council was voting to lift the moratorium then he would vote against the motion.

Councilmember Penfold said he was open to deferring the decision on different boundaries or specific subdivisions to July 6<sup>th</sup> but wanted additional information. He said he wanted some recommendations from Landmarks.

Councilmember Turner said he did not do moratoriums lightly. He said he voted for the moratorium and thought the Council had six months. He said he wanted the moratorium to run its course because that was what he agreed to. He said he would vote against removing the moratorium.

Councilmember Martin moved to vote to **remove temporary zoning restrictions for the following areas:** east of LeGrande, Yalecrest Heights, upper Yale Third Edition, Colonial Heights, Hillside Park, upper Princeton Park, upper Laird Park, Mayfair Park, non subdivision B which included Laird and Princeton above 1500 East and below 1700 East and Uintah Heights and that the other areas stay within the moratorium area knowing they have a short time to submit applications to the Landmarks Commission. There was second for the motion.

Councilmember Christensen moved and Councilmember Simonsen seconded to **defer a decision to July 6<sup>th</sup>, 2010.**

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Councilmember Christensen said there was some relevance to what Councilmember Simonsen suggested. He said whatever took place the public needed a chance to consider it. He said he wanted to see what HLC suggested with the boundaries and that the map was out in the open for approximately one week. He said a decision could be made on July 6<sup>th</sup>.

Councilmember Simonsen moved and Councilmember Garrott seconded to add an amendment to the motion **that the Council ask the HLC to review and provide information on any boundary adjustment before the Council met again.**

Councilmember Love called for a roll call vote on the amendment, which motion carried, Council Members Simonsen, Garrott, Penfold, Christensen and Love voted aye and Council Members Martin and Turner voted nay.

Councilmember Love called for a vote on the original motion which was to **defer this item to July 6<sup>th</sup>, 2010**, which motion carried, all Council Members voted aye except Councilmember Turner who voted nay.  
(O 10-6)

POTENTIAL ACTION ITEMS:

#1. RE: [9:59:39 PM](#) Adopting an ordinance to adopt the **final budget** and related ordinances, excluding the budget for the Library Fund which is separately adopted, and the employment staffing document for Salt Lake City, Utah for Fiscal Year 2010-2011. [View Budget Ordinances](#)

Councilmember Christensen moved and Councilmember Turner seconded to adopt **Ordinance 34 of 2010 approving Salt Lake City's Fiscal Year 2010-11 budget according to the attached schedule, including the schedule for debt service payments, and approving the attached employment staffing document with the following conditions: (1) that the \$14,000 in funding for the Jordan River Commission is contingent upon the Administration and Council reviewing and approving the interlocal cooperation agreement, (2) that \$82,000 in funding for follow-up toward the Northwest Quadrant Master Plan is contingent upon obtaining Council approval on the use of the funds, and (3) that funding for a Engineer position in the Department of Public Utilities was contingent upon Public Utilities providing a position at the One-Stop permit counter.**

Councilmember Simonsen said there were many compelling parts of the budget but he would be voting against it because of the YouthCity Artways programs discontinuance. He said supporting the arts was a

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core service for the City and he was concerned that supporting youth arts programming was considered no longer a core service.

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

Councilmember Christensen moved and Councilmember Simonsen seconded to adopt **the attached list of legislative intent statements and interim study issues in conjunction with the budget for Fiscal Year 2010-11**, which motion carried, all members voted aye.

Councilmember Simonsen recused himself for Items 3 and 4.

Councilmember Turner moved and Councilmember Penfold seconded to adopt **Ordinance 35 of 2010 approving the budget for the Library Fund for Fiscal Year 2010-11**, which motion carried, all members voted aye except Councilmember Simonsen who was recused for the vote.

Councilmember Christensen moved and Councilmember Turner seconded to adopt **Ordinance 36 of 2010 adopting the rate of tax levy to be credited to the Library Fund for Fiscal Year 2010-11, as follows: (1) Library Fund base budget rate: .000791, which will generate \$12,521,876 in revenue; and (2) Library Fund judgment levy: .000012, which will generate \$183,065.71 in revenue**, which motion carried, all members voted aye except Councilmember Simonsen who was recused for the vote.

Councilmember Simonsen returned.

Councilmember Simonsen moved and Councilmember Turner seconded to adopt **Ordinance 37 of 2010 adopting the rate of tax levy, including the levy for the Library Fund, upon all real and personal property within Salt Lake City made taxable by law for Fiscal Year 2010-11, as follows: (1) for the General Fund base budget rate: .003546 which will generate \$56,160, 602.07 in revenue (2) Library Fund base budget rate: .000791 which will generate \$12,521,876 in revenue (3) for General Obligation Bonds base budget rate: .001076 which will generate \$17,040,009 in revenue (4) for the General Fund Judgment Levy base budget rate: .000066 which will generate \$1,035,361 in revenue, and (5) Library Fund Judgment Levy: .000012 which will generate \$183,065.71 in revenue**, which motion carried, all members voted aye.

Councilmember Christensen moved and Councilmember Simonsen seconded to adopt **all ordinances relating to Fiscal Year 2010-11 Budget listed on the agenda as Items D-5 thru D-22**, which motion carried, all members voted aye.

(B 10-1)

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**#2 RE: Adopting Ordinance 35 of 2010** adopting the budget for the **Library Fund** of Salt Lake City, Utah for Fiscal Year 2010-2011.  
(B 10-2)

**#3. RE: Adopting Ordinance 36 of 2010** adopting the **rate of tax levy to be credited to the Library Fund** for Fiscal Year 2010-2011.  
(B 10-7)

**#4. RE: Adopting Ordinance 37 of 2010** adopting the **rate of tax levy upon all real and personal property** within Salt Lake City, made taxable by law for Fiscal Year 2010-2011.  
(B 10-6)

**#5. RE: Adopting Ordinance 38 of 2010** approving a **compensation plan** for all **non-represented employees** of Salt Lake City.  
(O 10-9)

**#6. RE: Adopting Ordinance 39 of 2010** amending Salt Lake City Code, to reflect **numerous organizational changes** within the City Administration.  
(O 10-10)

**#7. RE: Adopting Ordinance 40 of 2010** appropriating necessary funds to implement, for Fiscal Year 2010-2011, the provisions of the **Memorandum of Understanding** dated on or about June 15, 2009 between Salt Lake City Corporation and Local 1004 of the American Federation of State, County and Municipal Employees (**AFSCME**), representing eligible employees pursuant to the collective bargaining and employee representation joint resolution dated January 13, 2009.  
(O 09-15)

**#8. RE: Adopting Ordinance 41 of 2010** appropriating necessary funds to implement, for Fiscal Year 2010-2011, the provisions of the **Memorandum of Understanding** between Salt Lake City Corporation and Local 1645 of the International Association of Firefighters (IAFF), representing the **"400 Series"** Firefighters and Fire Captains, dated on or about June 15, 2009.  
(O 09-18)

**#9. RE: Adopting Ordinance 42 of 2010** approving a **Memorandum of Understanding** between Salt Lake City Corporation and the Salt Lake Police Association, Local 75 (**SLPA**), representing the **"500 Series"** City Employees" which shall become effective on proper ratification and signature.  
(O 10-11)

**#10. RE: Adopting Ordinance 43 of 2010** amending Chapter 14.38

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relating to **sidewalk artists and entertainers.**  
(O 10-12)

**#11. RE:** Adopting Ordinance 44 of 2010 amending Section 12.56.330, regarding **freight license stickers**, increasing the current sticker fee to \$35 and requiring payment of the base business license fee established in Section 5.04.070, Salt Lake City Code.  
(O 10-13)

**#12. RE:** Adopting Ordinance 45 of 2010 amending Section 5.71.290 **increasing the application fee for ground transportation vehicle operator certificates** to cover increases in background check costs.  
(O 09-8)

**#13. RE:** Adopting Ordinance 46 of 2010 amending Section 12.56.580, Salt Lake City Code, relating to **parking fees** for the underground parking lot of **Library Square.**  
(O 09-9)

**#14. RE:** Adopting Ordinance 47 of 2010 amending Sections 12.96.010, 12.96.020 and 12.96.025, Salt Lake City Code, reducing the number of unpaid parking tickets that permit the City to **immobilize a vehicle** and providing for payment for repair or replacement of immobilization devices damaged or destroyed due to **tampering or unauthorized removal.**  
(O 10-14)

**#15. RE:** Adopting Ordinance 48 of 2010 amending Section 15.16.090, relating to **recreation program fees.**  
(O 07-14)

**#16. RE:** Adopting Ordinance 49 of 2010 amending certain provisions of **Section 17.16.070**, Salt Lake City Code, relating to **franchise fee for stormwater sewer.**  
(O 10-15)

**#17. RE:** Adopting Ordinance 50 of 2010 amending Appendix A of Chapter 18.98, Salt Lake City Code, relating to **Impact Fees.**  
(O 07-17)

**#18. RE:** Adopting Ordinance 51 of 2010 amending Chapter 9.08, Salt Lake City Code, relating to **solid waste and recyclable items.**  
(O 09-14)

**#19. RE:** Adopting Ordinance 52 of 2010 amending Section 17.81.200, Salt Lake City Code, relating to **stormwater rates.**  
(O 09-24)

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**#20. RE:** Adopting Ordinance 53 of 2010 amending Sections 17.16.670 and 17.16.680 and repealing Table 17.16.670, Salt Lake City Code, relating to **water rates**.  
(O 04-15)

**#21. RE:** Adopting Ordinance 54 of 2010 amending certain provisions of Section 17.72.030, Salt Lake City Code, relating to **sewer rates**.  
(O 07-15)

**#22. RE:** Adopting Ordinance 55 of 2010 amending Appendix A of Chapter 18.32.035, Salt Lake City Code, relating to **building fees**.  
(O 10-4)

QUESTIONS TO THE MAYOR 10:07:11 PM

Councilmember Turner said the Administration had stepped up to the call on an oil spill incident. He said it was a credit to the City to be able to follow through in the coming weeks and months. He said all the citizens appreciated the work which went into all aspects of the incident.

Councilmember Love said it was difficult for all residents living along the river. She said it had been a positive experience to see how the City handled the emergency and at some point she wanted a debriefing to see what worked and what did not.

COMMENTS TO THE CITY COUNCIL 10:08:08 PM

Jihad Al-Ali spoke about civil rights, discrimination, gross negligence and retaliation. He said he had received 12 tickets. He said he found a gun next to his van and the police chief said he had destroyed the gun. He said that was tampering with evidence.

UNFINISHED BUSINESS

**#1. RE: 10:10:47 PM** Adopting a resolution authorizing the approval of an interlocal cooperation agreement between Salt Lake City Corporation and the Unified Fire Authority regarding a pilot project to create shaded fuel breaks. [View Attachments](#)

Councilmember Christensen moved and Councilmember Turner seconded to **adopt Resolution 29 of 2010**, which motion carried, all members voted aye.  
(C 10-375)

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**#2. RE: [10:11:13 PM](#)** Adopting 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 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, and an irrigation system for the **North Temple Boulevard** park strip and median island, including electrical costs and water service costs; (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.

Councilmember Penfold moved and Councilmember Simonsen seconded to adopt **Resolution 28 of 2010 setting the date of July 13, 2010 to accept public comment**, which motion carried, all members voted aye. [View Attachments](#)

(Q 10-4)

**CONSENT AGENDA [10:11:55 PM](#)**

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

**#1. RE:** Approving the appointment of **Rachel Otto** to the **Transportation Advisory Board** for a term extending through September 24, 2012.

(I 10-3)

**#2. RE:** Approving the appointment of **Colleen Mullins** to the **Golf Enterprise Fund Advisory Board** for a term extending through July 15, 2014.

(I 10-14)

**#3. RE:** Setting the date of **July 6, 2010 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **amending the 2010 Calendar Year budget for the Salt Lake Valley Landfill**. [View](#)

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Attachments

(B 10-3)

The meeting adjourned at 10:12 p.m.

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Council Chair

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City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held June 15, 2010.

bj