

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, MAY 16, 2000

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, May 16, 2000, at 6:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Tom Rogan
Nancy Saxton	Roger Thompson	Dave Buhler
Keith Christensen		

Mayor Ross C. "Rocky" Anderson; Roger Cutler, City Attorney; Cindy Gust-Jenson, Executive Council Director; and Beverly Jones, Deputy City Recorder were present.

Councilmember C. Christensen presided at and conducted the meeting.

#1. The Council led the Pledge of Allegiance.

#2. Councilmember Thompson moved and Councilmember Turner seconded to approve the minutes of the Salt Lake City Council meetings held **May 4, 2000**, and **May 9, 2000**, which motion carried, all members voted aye.

(M 00-1)

#3. Youth City Government presented the **Youth State of the City report**.

Richelle Ohumukini, LaShell Wright-Hopkins, Naysahn Saeed, and Jodi Visarraga presented the report.

Councilmember Thompson said he felt the students had learned a lot by working through issues. He said they had performed a good service for the schools and for the City.

Councilmember Rogan said the Council, the City Administration and the School Board needed to develop an action plan dealing with some of the issues referred to in the students report.

Councilmember Saxton said she had been impressed when she attended a meeting with Youth City Government last week.

(M 00-1)

Councilmember C. Christensen introduced Boy Scout Troop 410.

QUESTIONS TO THE MAYOR FROM THE CITY COUNCIL

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Councilmember Buhler asked Mayor Anderson if he was still concerned with policies relating to exempt employees and severance pay. Mayor Anderson said he was still concerned and would welcome recommendations. He said the Compensation Advisory Committee had made proposals which went beyond what he would have suggested. He said the present policy allowed up to six months severance, but the Committee had recommended six weeks.

Councilmember Thompson said most Council Members were undecided on the Grand Mall issue. He said Councilmember C. Christensen had recused himself. He asked the Mayor if he would support the Grand Mall if the Council decided to move forward with it. Mayor Anderson said he could not support the Grand Mall without some compelling information.

Councilmember Saxton said the Mayor was on record as being against the Grand Mall project. She asked the Mayor what he hoped to accomplish by going to Dallas to see an established mall. Mayor Anderson said given the anticipation of an upcoming discussion by the Council, he wanted to make sure he had seen the mall. He said he wanted to see what impact a grand mall had on locally owned businesses.

Mayor Anderson said there had been comments from District 2 Community Council Chairs concerning economic development. He said the worst thing the City could do for economic development on the westside was approve this kind of mall. He said the mall would discourage any retailers from coming into the westside.

CITIZEN COMMENTS TO THE CITY COUNCIL

Robert Bennion said the City should retract the sale of Main Street because it was illegal under the Constitution as well as State and local laws.

Craig Axford, Salt Lake City, said he was a plaintiff in the lawsuit involving Main Street. He said one of the items on the agenda was to clarify the intent of the Main Street closure ordinance. He asked that the 15th condition proposed by the Planning Commission be reinstated. He said this issue needed to be opened back up for public comments.

Stephen Clark, Legal Director of the American Civil Liberties Union of Utah (ACLU), said the ACLU had sent a letter to the Council detailing legal reasons why they felt the City needed to provide appropriate notice and a public hearing on whether to sell the public's first amendment rights on Main Street.

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L. Harry Fountaine, Salt Lake City, said he had been before the Council several times. He said the City took property from him which he needed for his livelihood.

Mayor Anderson said his office had looked into the matter. He asked Mr. Fountaine to meet with him after the meeting.

Lorraine Miller said she represented the Vest Pocket Business Coalition. She said she wanted to develop a comprehensive plan to strengthen and preserve local businesses and protect the City against commercial sprawl. She said grand malls did nothing to preserve community or enhance the tax base.

Douglas Cotant said he failed to understand why the ACLU had gotten involved in the Main Street issue.

The following person submitted a card but did not wish to speak: **Robin Petty**, Salt Lake City, was concerned about people jaywalking.

CONSENT AGENDA

ACTION: Councilmember Thompson moved and Councilmember Buhler seconded to **approve the Consent Agenda with Item D-9 being moved to Unfinished Business**, which motion carried, all members voted aye.

#1. RE: Setting the date of **June 15, 2000 at 6:00 p.m.** to accept public comment and consider adopting an ordinance **rezoning property located at approximately 1624 West California Avenue** from Commercial Corridor (CC) to Special Residential (SR-3) pursuant to Petition No. 400-00-16.
(P 00-18)

#2. RE: Setting the date of **June 15, 2000 at 6:00 p.m.** to accept public comment and consider adopting an ordinance **amending Salt Lake City Ordinance 65 of 1999 which approved, ratified and finalized the budget for the Library Fund** of Salt Lake City, Utah for Fiscal Year beginning July 1, 1999 and ending June 30, 2000.
(B 99-3)

#3. RE: Setting the date of **June 15, 2000 at 6:00 p.m.** to accept public comment and consider adopting an ordinance **amending Salt Lake City Ordinance 63 of 1999 which approved, ratified and finalized the budget of Salt Lake City, Utah, including the employment staffing document**, for the fiscal year beginning July 1,

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1999 and ending June 30, 2000.
(B 00-9)

#4. RE: Setting the date of **June 6, 2000** at **6:00 p.m.** to accept public comment and consider adopting an ordinance enacting Chapter 9.50 of the Salt Lake City Code, relating to **first response rescue service fees** (imposition of fees on the owner or operator of a motor vehicle involved in an accident for first response rescue services provided by the City.)
(O 00-24)

#5. RE: Setting the date of **June 6, 2000** at **6:00 p.m.** to accept public comment and consider adopting an ordinance enacting Chapter 9.49 of the Salt Lake City Code, relating to **fees for City services for fire emergencies** (imposition of fees on the owner of property for services provided by the City relating to fire emergencies.)
(O 00-25)

#6. RE: Setting the date of **June 15, 2000** at **6:00 p.m.** to accept public comment and consider adopting an ordinance **extending the corporate limits of Salt Lake City to include the Cottonwood Realty Annexation (Bowden), a 39.11 acre parcel located at 1816 North 2200 West**, and amending the Salt Lake City Zoning Map to zone and designate the area as Business Park (BP) upon its annexation to the City.
(P 99-23)

#7. RE: Adopting **Resolution 32 of 2000** authorizing the approval of an interlocal cooperation agreement between Salt Lake City Corporation and Utah Department of Transportation regarding the **installation of decorative street lighting on Gateway area streets**, Project No. SP-15-7(135)296, relating to the I-15 corridor reconstruction project.
(C 99-858)

#8. RE: Adopting **Resolution 33 of 2000** authorizing the approval of an interlocal cooperation agreement between Salt Lake City Corporation and Dixie College for the purpose of providing **paramedic instruction to Dixie College students**.
(C 00-278)

#9. RE: Approving the appointment of **Mary McDonald** to the **Planning Commission** for a term extending through July 1, 2002.

This item was moved to Unfinished Business.
(I 00-25)

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UNFINISHED BUSINESS

#1. RE: Adopting a motion authorizing the Council Chair to sign a letter of engagement with Prince, Yeates & Geldzahler to **produce a legal opinion regarding the rights of executive appointed employees to severance benefits.**

ACTION: Councilmember Buhler moved and Councilmember Thompson seconded to **adopt the motion**, which motion carried, all members voted aye.
(G 00-8)

#2. RE: Adopting a housekeeping measure to reaffirm the previous Council's intent and purpose **amending Ordinance 28 of 1999 which closed a portion of Main Street between North Temple and South Temple Streets.**

ACTION: Councilmember K. Christensen moved and Councilmember Thompson seconded to **adopt Ordinance 29 of 2000 and to include Exhibits A, B and C**, which motion carried, all members voted aye except Councilmember Rogan who voted nay.

DISCUSSION: Councilmember K. Christensen said it was in the best interest of all parties to reaffirm what was done in April of 1999. He said this would bring closure to a matter which should not be at issue.

Councilmember Thompson said the exhibits appended to the motion were the same exhibits which the Council took action on in April. He said Exhibit A was the Reservation of Easement, Exhibit B was the modified summary of conditions imposed by Salt Lake on the use of the plaza, and Exhibit C was the Special Warranty Deed. He said the proposed ordinance did not take care of the matter because there were still pending lawsuits. He said the ordinance would help to clear up the nature of the easement.

Councilmember Rogan said he still felt the City should not have sold Main Street. He said he would vote against the motion. He said the petitioner and the architect both said the property would be a park.

Councilmember Saxton said there was public awareness and she felt both the Council and the citizens knew the stipulations and guidelines of what would be allowed in the park. She said she would vote in favor of the proposed ordinance.

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Councilmember C. Christensen said the ordinance reaffirmed his intention. He said it was clear to him what the conditions of the sale were. He said he would vote in favor of the ordinance.
(P 99-14)

#3. RE: Approving the appointment of **Mary McDonald** to the **Planning Commission** for a term extending through July 1, 2002.

ACTION: Councilmember K. Christensen moved and Councilmember Thompson seconded to **accept the item under Unfinished Business for approval which was labeled on the agenda as Consent No. 9 with respect to the appointment to the Planning Commission of Mary McDonald**, which motion carried, all members voted aye except Councilmember Rogan who recused himself.
(I 00-25)

PUBLIC HEARINGS

#1. RE: Accept public comment and consider **adopting the final budget**, excluding the budget for the Library Fund which is separately adopted, and the employment staffing document of Salt Lake City, Utah for the fiscal year beginning July 1, 2000 and ending June 30, 2001, including but not limited to:

a. Appropriating necessary funds to implement, for fiscal year 2000-2001, 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**.
(O 00-9)

b. Appropriating necessary funds to implement, for fiscal year 2000-2001, 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**.
(O 00-10)

c. Approving the Compensation Plan for **"300 and 600 Series" employees** of Salt Lake City. (Employees covered by this plan shall be full-time, regular part-time and job sharing City employees classified as 600 Series and 300 Series, exempt and non-exempt professional employees.)
(O 00-12)

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d. Appropriating necessary funds to implement, for fiscal year 2000-2001, 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.**

(O 00-12)

e. Approving the Compensation Plan for **"500 Series" employees** of Salt Lake City. (Employees covered by this plan shall be full time Police Officers in the City's Police Department classified as 500 Series City employees.)

(O 00-13)

f. Approving the Compensation Plan for **"700 Series" employees** of Salt Lake City. (Regular part-time employees who perform essentially the same duties of employees classified by the City as 100 and 200 Series employees and work 20 or more but less than 40 hours a week.)

(O 00-14)

g. Approving the Compensation Plan for **"800 Series" employees** of Salt Lake City. (Employees covered by this plan shall be full-time sergeants, lieutenants and captains in the City's Police Department classified as 800 Series City employees.)

(O 00-23)

h. Approving the Compensation Plan for **"900 Series" employees** of Salt Lake City. (Employees covered by this plan shall be full-time City employees classified as 900 Series exempt Fire Department employees.)

(O 00-15)

i. Approving the Compensation Plan for **Executive Employees and Elected Officials** of Salt Lake City.

(O 00-16)

j. Establishing the **rate of tax levy** upon all real and personal property within Salt Lake City made taxable by law for the fiscal year commencing July 1, 2000 and ending June 30, 2001.

(O 00-17)

k. Amending Schedule 1 of Title 5, Salt Lake City Code, pertaining to **business license fees.**

(O 00-18)

l. Amending Section 9.08.030, Salt Lake City Code, relating to

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residential collections of garbage and refuse.
(O 00-21)

m. Amending Chapter 2.75 of the Salt Lake City Code relating to **administrative enforcement process**, and amending other code sections to effect these changes.
(O 00-22)

ACTION: Councilmember Thompson moved and Councilmember Saxton seconded to **close the public hearing and refer these issues to June 15, 2000 for formal consideration**, which motion carried, all members voted aye.

DISCUSSION: **Jeff Fox**, Salt Lake City, said he worked for Utah Consumer Network. He said when he began lobbying in 1998 he was shocked to find the League of Cities and Towns supporting a rate increase of \$300 million. He said that amount would come from business and residential consumers. He asked the Council to make sure the League of Cities and Towns was not influenced by utility money.

Liesa Manuel, Salt Lake City, said she wanted to speak on behalf of the League of Women Voters. She said they had not taken a position on whether Salt Lake City should withdraw from the League of Cities and Towns. She said they supported the purpose of the League. She said the City needed to approach the League of Cities and Towns about redefining the process by which they arrived at positions on pieces of legislation.

Linda Hilton, Salt Lake City, said she was concerned about how the League of Cities and Towns picked their legislative issues. She said she did not know if the League lobbied as activists for their own group or in the best interest of cities.

Betsy Wolf, Salt Lake Community Action Program, said she supported Mayor Anderson's concerns about the City's participation in the League of Cities and Towns. She said it was important for the City to examine how its money and the citizens money was spent. She said she had concerns about actions the League had taken over the years especially with regard to utility issues.

Claire Geddes thanked Mayor Anderson for his concern about funding the League of Cities and Towns. She said it was devastating to see her tax dollars used against her when she went up to lobby for citizens.

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Stephen Cook, Salt Lake City, said he was an attorney and represented sexually oriented businesses in the City. He said business fees imposed by the City should be for the actual cost of regulation. He said fees should not be so high as to make it impossible for his clients to operate. He asked that the Council not act on business license fees at this time.

Holly Decker said she owned Modified Music located at 247 East 900 South. She said she opposed the proposed business license fee amendment. She said the increase would change her license fee from \$175 a year to over \$2,000 a year.

Amber Morgan said currently home based businesses were assessed a licensing fee of \$50 a year. She said the proposed business licensing fees were completely out of line for a Tupperware business.

Carlos Sosan said he opposed the increase in business licensing fees. He said he owned a pawn shop on State Street. He said last year there was an increase of 100%. He said his business license fee would be \$2600.

Kelly Hopkins said he dealt in secondhand computer equipment. He said he was subject to the highest increase of any company. He said he opposed the fee increase.

The following person submitted a card but did not wish to speak: **Anthony G. Musci**, Salt Lake City, was concerned about the League of Cities and Towns.

(B 00-1)

#2. RE: Accept public comment and consider adopting the **final budget for the Library Fund** of Salt Lake City, Utah for the fiscal year beginning July 1, 2000 and ending June 30, 2001.

ACTION: Councilmember K. Christensen moved and Councilmember Thompson seconded to **close the public hearing and refer to June 15, 2000 for formal consideration**, which motion carried, all members voted aye.

(B 00-3)

#3. RE: Accept public comment and consider approving a resolution **adopting the budget of the Municipal Building Authority** of Salt Lake City for fiscal year beginning July 1, 2000 and ending June 30, 2001.

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ACTION: Councilmember Thompson moved and Councilmember Rogan seconded to **recess as the City Council and convene as the Municipal Building Authority**, which motion carried, all members voted aye.

Councilmember Thompson moved and Councilmember Turner seconded to **close the public hearing and refer to June 15, 2000 for formal consideration**, which motion carried, all members voted aye.

Councilmember Thompson moved and Councilmember Rogan seconded to **adjourn as the Municipal Building Authority and reconvene as the City Council**, which motion carried, all members voted aye.

(B 00-2)

The meeting adjourned at 7:30 p.m.

Council Chair

Chief Deputy City Recorder

bj