THE SALT LAKE COUNTY COUNCIL, STATE OF UTAH, MET ON TUESDAY, NOVEMBER 5, 2013, PURSUANT TO ADJOURNMENT ON TUESDAY, OCTOBER 29, 2013, AT THE HOUR OF 4:05:36 PMAT THE SALT LAKE COUNTY GOVERNMENT CENTER, 2001 SO. STATE STREET, ROOM N1100, SALT LAKE CITY, UTAH.

COUNCIL MEMBERS

PRESENT: RANDY HORIUCHI

 RICHARD SNELGROVE

 JIM BRADLEY

 ARLYN BRADSHAW

 DAVID WILDE

 SAM GRANATO

 STEVEN DEBRY

COUNCIL MEMBERS

EXCUSED: MICHAEL JENSEN

 MAX BURDICK

OTHERS IN ATTENDANCE: BEN MCADAMS, MAYOR

 By: NICHOLE DUNN, DEPUTY MAYOR

 SIM GILL, DISTRICT ATTORNEY

 JASON ROSE, LEGAL COUNSEL, COUNCIL OFFICE

 SHERRIE SWENSEN, COUNTY CLERK

 By: KIM STANGER & NICHOLE WATT, DEPUTY CLERKS

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 Council Member DeBry, Chair, presided.

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 **Council Member DeBry** opened the meeting with an inspirational thought/reading/invocation.

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 **Mr. George Pence,** Mayor’s Office, led the Pledge of Allegiance to the Flag of the United States of America.

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 **Mr. Chris Clifford** spoke under “Citizen Public Input” regarding a rezone, which is on the Council agenda for the scheduling of a public hearing. He encouraged the Council to approve the date of November 26, 2013, for the hearing.

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 Ms. Patricia Hull, an employee of the Library Services Division, submitted a Disclosure of Private Business Interests form advising the Council that she is the president of the Utah Library Association.

 Council Member Bradshaw, seconded by Council Member Wilde, moved to accept the disclosure form and make it a matter of record. The motion passed unanimously, showing that all Council Members present voted “Aye.”

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 Mr. Kevin Jacobs, County Assessor, submitted letters recommending that refunds in the amounts indicated be issued to the following taxpayers for overpayment of vehicle taxes:

Taxpayer Year Refund

**Alex Velasquez** 2012 $ 10.00

**Russell B. Bowker** 2013 $ 70.00

 2013 $ 10.00

 2013 $150.00

**James D. Foster** 2013 $ 10.00

 2013 $ 30.46

**Gary B. Meldrum** 2013 $110.00

**Ricky L. Blake** 2013 $153.00

**Shari R. Mora** 2013 $ 13.00

**Scott Sauric** 2013 $ 13.00

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 Mr. Kevin Jacobs, County Assessor, submitted a letter recommending that refunds in the amounts indicated be issued to the following businesses for 2013 personal property taxes. These businesses are entitled to a refund due to incorrect calculations, duplicate payments, or have a credit due and are no longer in business:

Taxpayer Refund

**DMX**  $154.40

**Sterling Press**  $143.16

**St. Marks Center for Women’s Health** $117.64

**Bagley Ice & Carbonic Service** $374.90

**Wasatch Powderbird Guides** $130.77

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 Mr. Kevin Jacobs, County Assessor, submitted a letter recommending that a refund in the amount of $317.46 be issued to **Roseman University**,for overpayment of 2013 personal property taxes on Tax Roll No. 38 156221, pursuant to an order of the Board of Equalization. Roseman University is a tax-exempt agency.

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 Mr. Kevin Jacobs, County Assessor, submitted a letter recommending that a refund in the amount of $196.98, plus penalties and interest, be issued to **Benjamin L. Gilstrap DDS** for overpayment of 2013 personal property taxes on Tax Roll No. 27-22-428-002-0000.

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 Mr. Kevin Jacobs, County Assessor, submitted letters recommending that refunds in the amounts indicated be issued to the following taxpayers for overpayment of 2013 personal property taxes:

Taxpayer Tax Roll No. Refund

**KNS International** 55 139485 $312.25

**Happy Monkey Hummus** 14B163478 $132.28

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 Mr. Kevin Jacobs, County Assessor, submitted a letter recommending reduction of property taxes on the following property, which was acquired by the **Utah Department of Transportation**, a tax-exempt agency. He also recommended abatement of the remaining taxes, or issuance of refunds if the taxes have already been paid, plus the appropriate penalty and interest:

 Parcel No. Year Reduction

27-23-154-0142009 $4,361.38 to $63.40

 2010 $3,974.69 to $0

 2011 $4,003.63 to $0

 2012 $3,298.35 to $0

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 Mr. Kevin Jacobs, County Assessor, submitted a letter recommending abatement of the 2009-2012 property taxes on **A. Elizabeth and Carlos A. Matamoros** property, identified as Parcel No. 14-34-131-061, as the property was double assessed. He also recommended issuance of refunds if the taxes have already been paid, plus the appropriate penalty and interest.

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 Mr. Kevin Jacobs, County Assessor, submitted a letter recommending abatement of property taxes on the following **Woodstock Village PUD Homeowners Association** property, as it should be 100 percent exempt. He also recommended issuance of refunds if the taxes have already been paid, plus the appropriate penalty and interest:

 Parcel No. Year Reduction

22-16-358-0172009 $435.24 to $0

 2010 $470.84 to $0

 2011 $491.83 to $0

 2012 $512.34 to $0

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 Mr. Kevin Jacobs, Interim County Assessor, submitted a letter recommending abatement of the 2010 privilege taxes from $500.70 to $0, and abatement of all applicable penalties and interest on the **Salt Lake City Corporation, Department of Airports** property, identified as Parcel No. 08-33-201-002-6088 (old Parcel No. 08-33-201-001-6002). This parcel was not leased in 2010, and the building that was once on the property has since been demolished.

 Council Member Bradshaw, seconded by Council Member Wilde, moved to approve the recommendations. The motion passed unanimously, authorizing the County Treasurer to effect the same, showing that all Council Members present voted “Aye.”

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 Mr. Adam Miller, Deputy District Attorney, submitted the following ordinance relating to the control and management of stormwater runoff; making changes to the waiver and inspection processes, the list of allowed non-stormwater discharges to the County storm sewer system, and the applicable penalties for violations of Chapter 17.22.

ORDINANCE NO. 1761 DATE: November 5, 2013

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING CHAPTER 17.22 OF THE SALT LAKE COUNTY CODE OF ORDINANCE, 2001, RELATING TO THE CONTROL AND MANAGEMENT OF STORMWATER RUNOFF; MAKING CHANGES TO THE WAIVER AND INSPECTION PROCESSES, THE LIST OF ALLOWED NON-STORMWATER DISCHARGES TO THE COUNTY STORM SEWER SYSTEM AND THE APPLICABLE PENALTIES FOR VIOLATIONS OF CHAPTER 17.22.

The Legislative Body of Salt Lake County ordains as follows:

 Section I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

 Section II. Section 17.22.080 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**17.22.080 Inspection of stormwater management facilities.**

 Periodic inspections of facilities shall be performed by the county engineer to determine and ensure that the facilities are adequately maintained, continue to perform in an adequate manner, and are in compliance with applicable law and the inspection and maintenance agreement [~~as provided in § 17.22.090~~]. Such inspections shall be conducted in a reasonable manner, at reasonable times and upon reasonable notice to responsible parties as determined by the county engineer.

 Section III. Section 17.22.110 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**17.22.110 Waivers.**

 A. Every applicant shall be responsible for all post-construction stormwater management activities required by this ordinance unless a [~~written~~] request [~~is filed~~] to waive this requirement is approved. Requests to waive the stormwater management plan requirements shall be submitted in writing to the county engineer for approval.

 B. The minimum requirements for stormwater management may be waived in whole or part upon written request of the applicant, provided that at least one of the following conditions applies:

 1. The applicant demonstrates that the proposed development is not likely to

impair attainment of the objectives of this ordinance;

2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan approved by the county engineer; or

3. Provisions are made to manage stormwater by an off-site facility which must be currently in place and designed to provide the level of stormwater control equal to or greater than controls afforded by on-site practices. Further, the off-site facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

 C. To receive a waiver, the applicant must demonstrate to the satisfaction of the county engineer the waiver will not lead to any of the following conditions downstream:

1. Deterioration of existing culverts, bridges, dams, and other structures;
2. Degradation of biological or ecological functions or habitat;
3. Accelerated streambank or streambed erosion or siltation;
4. Increased threat of flood damage to public health, life or property; or

 5. Degradation of receiving water quality.

 D. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

 Section IV. Section 17.22.130 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

**17.22.130 Illicit discharges.**

 A. This section shall apply to all water generated on developed or undeveloped land entering the county’s separate storm sewer system.

 B. No person shall introduce or cause to be introduced into the county storm sewer system any discharge that is not composed entirely of uncontaminated stormwater. The commencement, conduct or continuance or any non-stormwater discharge to the county storm sewer system is prohibited except as described as follows:

 1. [~~Uncontaminated d~~] Discharges from the following [~~sources~~]:

 ~~[a. Water line flushing or other potable water sources;~~

~~b. Landscape irrigation or lawn watering with potable water;~~

~~c. Diverted stream flows;~~

~~d. Rising ground water;~~

~~e Groundwater infiltration to storm drains;~~

~~f. Uncontaminated pumped groundwater;~~

~~g. Foundation or footing drains;~~

~~h. Crawl space pumps;~~

~~i. Air conditioning condensation;~~

~~j. Springs;~~

~~k. Natural riparian habitat or wet-land flows;~~

~~l. Swimming pools (if dechlorinated typically less than one ppm~~  ~~chlorine);~~

~~m. Fire fighting activities; and~~

~~n. Any other uncontaminated water source.~~]

a. Water line flushing;

b. Landscape irrigation;

c. Diverted stream flows;

d. Rising ground waters;

e. Uncontaminated ground water infiltration (as defined at 40 C.F.R. 35.2005 (2)) to separate storm sewers;

f. Uncontaminated pumped groundwater;

g. Discharges from potable water sources;

h. Uncontaminated footing/foundation drains;

i. Air conditioning condensate;

j. Irrigation water;

k. Springs;

l. Uncontaminated water from crawl space pumps;

m. Individual residential car washing;

n. Flows from riparian habitats and wetlands;

o. Dechlorinated swimming pool discharges;

p. Residential street wash water;

q. Dechlorinated water reservoir discharges;

r. Discharges or flows from emergency firefighting activity.

 Section V. Section 17.22.180 of the Salt Lake County Code of Ordinances, 2001 is amended to read as follows:

**17.22.180 Penalties.**

 A. Any person who commits any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or any notice to abate or take corrective action issued by the county engineer, shall be guilty of a class B misdemeanor.

Each day of violation shall constitute a separate violation.

 B. Civil penalties imposing fines and damages or injunctive relief issued by the county engineer may include consideration of:

1. The harm done to the public health or the environment;
2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
3. The economic benefit gained by the violator;
4. The effort put forth by the violator to remedy this violation;

5. Any unusual or extraordinary enforcement costs incurred by the county;

6. The penalty established by law, such as the Utah Water Quality Act and the Utah Solid and Hazardous Waste Act, for specific categories of violations; and

7. Any equities or aggravating or mitigating considerations.

 C. In addition to any civil penalty imposed pursuant to s subsection B. above, the county may recover all damages proximately caused by the violator to the county, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with this ordinance, any other actual damages caused by the violation, and the costs of the county’s construction maintenance or repair of stormwater facilities when the user or owner of such facilities fails to maintain them as required by this ordinance.

 D. The county may bring legal action to enjoin the continuing violation of this ordinance and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

 E. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any civil or criminal action that one or more of the remedies herein has been sought or granted.

 Section VI. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this 5th day of November, 2013.

SALT LAKE COUNTY COUNCIL

ATTEST:

 By: /s / STEVEN DEBRY

 Chair

By: /s/ Sherrie Swensen

 County Clerk

 Council Member Bradshaw, seconded by Council Member Wilde, moved to approve the ordinance. The motion passed, authorizing the Chair to sign the same, directing the County Clerk to attest his signature, and to publish the ordinance summary in the newspaper of general circulation, showing that all Council Members present voted “Aye.”

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 Mr. Michael Ongkiko, Director, Human Resources Division, submitted a letter recommending approval of the following Human Resources Policies and Procedures:

 #1-100 – HR Policies Disclaimer

 #1-200 – HR General Definitions

 #2-100 – Employment Status

 #2-200 – Allocation and Classification of Merit Positions

 #2-300 – Recruitment & Selection

 #2-400 – New Hire Requirements

 #2-500 – Background Check Requirements

 #2-600 – Work Hours, Telecommuting and Remote Access

 #2-700 – Employment Practices

 #2-800 – Resignation and Exit Interviews

 #2-900 – Reduction in Force Separations

 #2-1000 – Privatization

 #2-1100 – Personnel Records

 #3-100 – Workplace Harassment, Discrimination and

 Retaliation

 #3-200 – Reasonable Accommodations

 #3-300 – Standards of Conduct

 #3-400 – Discipline

 #3-500 – Grievance Procedure

 #3-600 – Alcohol and Drug Screening, Testing & Treatment

 #3-700 – CDL & Safety Sensitive Alcohol & Drug Screening,

 Testing & Treatment

 #3-800 – Violence in the Workplace

 #3-900 – Fitness for Duty Evaluations

 #3-1000 – Drug-Free Workplace

 #3-1100 – Political Activities

 #4-100 – Employee Discounts at County Facilities

 #4-200 – Leave Practices

 #4-300 – Insurance and Retirement Programs

 #4-400 – Worker’s Compensation

 #4-500 – Return to Work After Injury or Illness

 #4-600 – Family and Medical Leave (FMLA)

 #4-700 – Employee Assistance Program

 #4-800 – Service Awards

 #4-900 – Retirement Policy

 #4-1000 – Long Term Disability

 #5-100 – Pay Practices

 #5-200 – Sworn Employee Compensation

 #5-300 – Payroll

 #6-100 – Performance, Development & Improvement Plans

 #6-200 – Training & Training Repayments

 #6-300 – Tuition Reimbursement Program

Rescind the following Policies & Procedures:

 #5000 – Human Resources Policies

 #5025 – Policy General Definitions

 #5100 – Employment Status

 #5110 – Minimum Employment Age

 #5120 – Nepotism – Employment of Relatives

 #5130 – Career Mobility Assignments

 #5200 – Allocation and Classification of Merit Positions

 #5210 – Filling County Job Vacancies

 #5220 – Merit Employment Examinations

 #5230 – Merit Employment Registers

 #5240 – Certification of Applicants for Job Interviews

 #5250 – New Hire Requirements

 #5251 – Background Check Requirements

 #5300 – Termination of Employment

 #5310 – Reduction-in-Force Separations

 #5320 – Reduction-in-Force Reappointment

 Register/Certification

 #5330 – Privatization

 #5340 – County Contribution to Employees Retirement

 #5400 – Pay Practices

 #5410 – Payroll

 #5415 – Training Repayment Agreements

 #5420 – Overtime and Compensatory Time

 #5430 – Employee Incentive Procedure

 #5440 – Bonus Plan

 #5450 – 20% Employee Discount at County Facilities

 #5500 – Insurance Eligibility

 #5510 – Leave Practices

 #5512 – Family and Medical Leave

 #5520 – Workers’ Compensation

 #5525 – Return to Work after Injury or Illness

 #5540 – Employee Assistance Program

 #5545 – Fitness for Duty Evaluations

 #5550 – Training

 #5560 – Tuition Reimbursement Program

 #5600 – Performance & Development Process

 #5610 – Work Hours

 #5615 – Telecommuting

 #5625 – Reasonable Accommodations Guidelines

 #5630 – Drug-Free Workplace

 #5640 – Alcohol and Drug Screening, Testing and Treatment

 #5660 – Political Activities

 #5665 – Personnel Records

 #5700 – Discipline

 #5702 – Standards of Conduct

 #5705 – Grievance Procedure

 #5706 – Resolution of Employee Complaints Procedure

 #5708 – Classification Appeals

 #5710 – Appeal Procedure for Career Service Council

 #5730 – Sexual Harassment

 #5740 – Discrimination

 #5745 – Retaliation

Council Member Bradshaw, seconded by Council Member Wilde, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Wilde, moved to adopt the Human Resources Policies & Procedures with the recommended changes, adopt the proposed legislative intent recognizing that specific concerns can continue to be made as the process moves forward, and to forward the policies and procedures to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.] The Council motion passed unanimously, authorizing the Chair to sign the policies and procedures, and directing the County Clerk to attest his signature, and authorizing the Human Resources Division to distribute the same, showing that all Council Members present voted “Aye.”

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 Mr. K. Wayne Cushing, County Treasurer, submitted a letter requesting approval of 35 uncollectible returned checks totaling $3,563.46 and uncollectible returned check fees and charges totaling $3,852.86 be purged from the records, and the items and related files transmitted to archives for destruction.

 Council Member Bradshaw, seconded by Council Member Wilde, moved to approve the request. The motion passed unanimously, authorizing the County Treasurer to effect the same, showing that all Council Members present voted “Aye.”

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 Ms. Sarah Brenna, Director, Aging Services Division, submitted a letter requesting to fill a .75 Office Specialist 15, and a Driver 13 position. These positions are grant funded.

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 Mr. Kevin Jacobs, County Assessor, submitted a letter requesting to fill a CAMA Division Administrator position.

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 Mr. Kevyn Smeltzer, Director, Public Works Operation Division, submitted a letter requesting to fill a Traffic Signal Specialist 19 position.

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 Mr. Brian Bennion, Associate Director, Salt Lake County Health Department, submitted a letter requesting to fill a Program Specialist 16 position, a Public Health Nutritionist 23/25 position, and a Public Health Nurse 24/30 position.

 Council Member Bradshaw, seconded by Council Member Wilde, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Granato, seconded by Council Member Bradshaw, moved to approve the requests and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.] The Council motion passed unanimously, authorizing the County Chief Financial Officer to effect the same, showing that all Council Members present voted “Aye.”

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 Mr. Scott Baird, Director, Flood Control & Engineering Division, submitted a letter requesting approval for an interim budget adjustment of $600,000 to cover storm drains on Serpentine Way, Amaryllis Street, and Galena Drive. The original project was a capital project, but divided into three smaller projects puts each below the $500,000 threshold for capital projects. Therefore, this is a technical adjustment to move funds from capitalized projects to non-capitalized projects.

 Council Member Bradshaw, seconded by Council Member Wilde, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Granato, moved to approve the request and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.] The Council motion passed unanimously, authorizing the County Chief Financial Officer to decrease Expense Appropriation Account No. 230-500-5600-7560 by $600,000, and increase Expense Appropriation Account Nos: 230-500-5600-2795-82-PU by $90,000, -85PU by $35,000, and -86PU by $475,000, showing that all Council Members present voted “Aye.”

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 The Council reviewed the following rezoning application that was heard during the October 29, 2013, Council meeting and forwarded to today for formal consideration:

 Application #28576 – **Gary Cannon** to reclassify property located at 2650 South 7200 West from A-1/zc to A-1 zone.

 Council Member Bradshaw, seconded by Council Member Wilde, moved to approve Application #28576 and the following ordinance:

AN ORDINANCE, AMENDING TITLE 19, ENTITLED "ZONING" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 1986, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM THE A-1 (AGRICULTURAL, WITH A ZONING CONDITION THAT EXCLUDES DUPLEXES AND DWELLING GROUPS) ZONE TO THE A-1 (AGRICULTURAL, WITH NO ZONING CONDITIONS) ZONE

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

 Section 1: Section, 19.06.020, The Zoning Map of Salt Lake County, Code of Ordinances 1986, is hereby amended, as follows:

 The properties described in **Application #28576** filed by Gary Cannon, and located at **2650 South 7200 West** within Salt Lake County, is hereby reclassified from the A-1 z/c (Agricultural, with a zoning condition that excludes duplexes and dwelling groups) Zone to the A-1 (Agricultural, with no zoning conditions) Zone, said property being described as follows:

PARCEL # 14-28-226-011-0000

BEG 183 FT W FR NE COR SEC 28, T1S, R2W, SLM; W 147 FT; S 25

RDS; E 290 FT M OR L; N 312.5 FT; W 143 FT M OR L; N 100 FT

TO BEG. 2.42 AC. M OR L. 8990-5836

CONTAINS APPROX. 2.42 AC.

 Section 2: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 19.06.020 of the Salt Lake County, Code of Ordinances, 1986.

 Section 3: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon

its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this 5th day of November, 2013.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

 By /s/ STEVEN DEBRY

 Chair

By /s/ SHERRIE SWENSEN

 County Clerk

The motion passed unanimously, authorizing the Chair to sign the ordinance, and directing the County Clerk to attest his signature and publish it in a newspaper of general circulation, showing that all Council Members present voted “Aye.”

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 The Planning & Development Services Division requested that a hearing be scheduled for the following rezone application:

 Application #28591 – **Christopher Clifford** to reclassify property located at 8973 West Newhouse Drive (3340 South) from R-1-8 to R-1-6.

 Council Member Bradshaw, seconded by Council Member Wilde, moved to set the date of Tuesday November 26, 2013, at 4:00 p.m., to accept public comment and consider the rezoning request. The motion passed unanimously, authorizing the County Clerk to place the Notice of Public Hearing in a newspaper of general circulation, and authorizing the Planning & Development Services Division to notify the surrounding property owners, showing that all Council Members present voted “Aye.”

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 THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned at 4:14:04 PM until Tuesday, November 12, 2012, at 4:00 p.m.

 SHERRIE SWENSEN, COUNTY CLERK

 By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Deputy Clerk

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CHAIR, SALT LAKE COUNTY COUNCIL

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