THE SALT LAKE COUNTY COUNCIL, STATE OF UTAH, MET ON TUESDAY, NOVEMBER 1, 2016, PURSUANT TO ADJOURNMENT ON TUESDAY, OCTOBER 25, 2016, AT THE HOUR OF 4:05:13 PM, AT THE SALT LAKE COUNTY GOVERNMENT CENTER, 2001 SO. STATE STREET, ROOM N1-110, SALT LAKE CITY, UTAH.

COUNCIL MEMBERS

PRESENT: JENNIFER WILSON

 RICHARD SNELGROVE

 ARLYN BRADSHAW

 MICHAEL JENSEN

 SAM GRANATO

 STEVEN DEBRY

 JIM BRADLEY, Minority Leader[[1]](#footnote-1)

 MAX BURDICK, Chair[[2]](#footnote-2)

COUNCIL MEMBERS

EXCUSED: AIMEE WINDER NEWTON

OTHERS IN ATTENDANCE: BEN MCADAMS, MAYOR

 By: KIMBERLY BARNETT, ASSOCIATE DEPUTY MAYOR

 COUNCIL MEETING

 SIM GILL, DISTRICT ATTORNEY

 PLANNING & ZONING MEETING

 By: ZACHARY SHAW & CHRIS PRESTON, DEPUTY

 DISTRICT ATTORNEYS

 JASON ROSE, LEGAL COUNSEL, COUNCIL OFFICE

 SHERRIE SWENSEN, COUNTY CLERK

 By: LINDA DUFFY & NICHOLE WATT, DEPUTY CLERKS

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 Council Member Burdick, Chair, presided.

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 **Mr. Ryan Perry**, Senior Policy Advisor, Council Office, led the Pledge of Allegiance to the Flag of the United States of America.

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 Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the minutes of the Salt Lake County Council meeting held on Tuesday, October 18, 2016. The motion passed unanimously, showing that all Council Members present voted “Aye.”

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 **Council Member Snelgrove** spoke under “Report of Council Members” regarding the need for a public meeting for the Central Wasatch Commission and Mountain Accord. The Council has received a lot of communication from the public about the creation of the new Central Wasatch Commission. He recommended holding a public meeting jointly hosted by the Council and Mayor’s Office. This could be done Tuesday, November 15 or 22, 2016, at 6:00 PM in the Council Chambers. Robo calls and newspaper ads could be used to notify the public. Since this has been articulated as an issue that affects everyone in Salt Lake County because of watershed and recreation, the County needs to involve more people in the decision making process.

 **Council Member Bradley** stated irrespective of their position, all citizens have the right to be heard by the Council. The meeting should be time limited and well organized, and he would like to be a part of the planning group.

 **Ms. Kimberly Barnett**, Associate Deputy Mayor, stated she would be happy to help with this meeting. The Mayor’s Office is coordinating with other municipalities on changes to the Central Wasatch Commission interlocal agreement, so an earlier meeting would be better.

 **Council Member Snelgrove** stated any night of the week would be okay to schedule the meeting.

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 **Council Member Burdick** spoke under “Report of Council Members” stating Council Member Newton received a message from someone at the Utah State Legislature asking if there was some sort of alternative plan in place should the polls get overrun with voters on election day. There are fewer polling places this year, and the concern is that there will be long lines.

 **Ms. Kimberly Barnett**, Associate Deputy Mayor, stated she received a call from the County Clerk today expressing this concern and asking if the Mayor’s Office might be able to help with some additional locations on Election Day, including the Southtowne Expo Center. The Clerk’s Office is looking into the possibility of securing more voting locations.

 **Mr. Ralph Chamness**, Deputy District Attorney, stated his office is also working with the Clerk to discuss all the legal options that are open to address that concern.

 **Council Member Wilson** asked why this was a concern.

 **Mr. Chamness** stated the vote by mail returned ballots are below the rate of return that was projected.

 **Council Member Snelgrove** stated about 480,000 ballots were mailed out, and as of today, 137,869 ballots have been returned and counted. The Clerk was projecting a 70 percent voter turnout.

 **Council Member Jensen** stated another thought is that turnout might be a little lower than expected. That is a realistic option to look at as well. However, the Council will do whatever is needed, including a budget adjustment. Voting is the absolute root of democracy.

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 Ms. Gabrielle Martinez, an employee of the District Attorney’s Office, submitted a Disclosure of Private Business Interests form advising the Council that she is employed by LuluRoe as a fashion consultant.

 Council Member Bradshaw, seconded by Council Member Jensen, 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 a letter recommending reinstatement of greenbelt values for 2015 on the **Last Holdout LLC** property identified as Parcel No. 26-26-200-013. The property is used for farming, and was erroneously left off greenbelt status.

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 Mr. Kevin Jacobs, County Assessor, submitted a letter recommending that refunds in the amounts indicated be issued to the following taxpayers for overpayment of 2016 manufactured home property taxes:

Taxpayer Refund

**Lillie Reid**  $ 28.00

**Darlene Paulsen** $ 95.79

**Solo Papalii/Maryann Ruttenbur** $ 57.13

**Ralph L or Deon Carlson** $ 85.16

**James & Fern Olson** $238.96

**Mary O. Hyler** $ 44.70

**Helen T. Bawden** $ 56.52

**Charlene Mower** $128.76

**Sherry Hiester** $ 39.49

**Wayne G. Blair** $ 63.62

**Dorothy J. Christensen** $154.03

**Janet M. Button** $177.88

**Doris West** $434.44

**Ramona Stevenson** $ 72.22

**Gordon Phelps** $ 80.19

**Delores Mitchell** $175.41

**Linda & John Thomas** $145.13

**Willie Martinez** $155.70

**Elma Michoff** $ 49.73

**Keith Tharp** $201.01

**Judith Sargent** $ 36.34

**Dolores George** $140.78

**Ray Smith** $ 53.68

**Doug & Sherri Pieper** $ 76.57

**Edward Anderson** $ 85.40

**Vicki Smith** $ 84.74

**Clifford H. & Lajuana Shulsen** $231.77

**J. & Dutton A. Oliveira** $169.17

**Connie Williams** $358.14

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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 2016 motor vehicle taxes:

Taxpayer Refund

**Adams Solutions**  $ 53.00

**Blessed Sacrament Catholic Church** $110.00

**Michael Carlston** $ 45.00

**Benjamin L. Demke** $113.00

**Gabriela Grostic** $113.00

**James H. Pingree** $ 83.00

**Susan R. Stidham** $113.00

**Abigail Thurman** $113.00

**Clifton W. Fisher** $370.45

**Alfred L. Martinez** $150.00

**Cesar N. Valdespino** $150.00

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 Ms. Liz Fehrmann, Chair, Property Tax Committee, submitted a letter recommending denial of the request of **Michael and Tamie Snarr** for a refund of 2012-2015 overpaid taxes on property identified as Parcel No. 22-21-203-036.

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 Ms. Liz Fehrmann, Chair, Property Tax Committee, submitted a letter recommending approval of the request of **Jared Frandsen** for a primary residential exemption for 2015 on property identified as Parcel No. 10-33-178-001.

 Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the recommendations and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Members Snelgrove and Burdick were absent for the vote.] The Council motion passed unanimously, authorizing the County Treasurer to effect the same, showing that all Council Members present voted “Aye.”

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 Ms. Antigone Carlson, Contracts Administrator, Contracts and Procurement Division, submitted a letter recommending approval of the following RESOLUTION authorizing execution of AMENDMENT NO. 1 to the INTERLOCAL AGREEMENT between Salt Lake County for its Mayor’s Office and the **Wasatch Front Waste and Recycling District (WFWRD)** – Administrative Services. Salt Lake County will provide the following services to WFWRD: fleet management, information services, surveyor services, public works operations, and building and equipment space lease rental. WFWRD will pay the County a fair price for said services as delineated in the agreement. Term of agreement is January 1, 2017, through December 31, 2019.

RESOLUTION NO. 5130 DATE: NOVEMBER 1, 2016

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL AUTHORIZING AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT BETWEEN WASATCH FRONT WASTE AND RECYCLING DISTRICT AND SALT LAKE COUNTY FOR ADMINISTRATIVE SERVICES

RECITALS

 The Legislative Body of Salt Lake County resolves as follows:

 WHEREAS, Salt Lake County entered an Interlocal Agreement with Wasatch Front Waste and Recycling District on April 1, 2014 for Administrative Services with a term ending December 31, 2016;

 WHEREAS, the Wasatch Front Waste and Recycling District provides waste and recycling collection services to its customers and is an interlocal entity established pursuant to the Interlocal Cooperation Act, Utah Code Ann. § 11-13-101;

 WHEREAS, Salt Lake County and Wasatch Front Waste and Recycling District desire, by amendment, to extend their agreement through December 31, 2019, modify services, and change pricing; and

 WHEREAS, Amendment No. 1 is made pursuant to the Utah Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101 *et seq*., Utah Code Ann.

 NOW, THEREFORE, BE IT RESOLVED by the Salt Lake County Council that Amendment No. 1 to the Interlocal Agreement between Wasatch Front Waste and Recycling District and Salt Lake County for Administrative Services be approved and the Mayor is hereby authorized to execute the same.

APPROVED and ADOPTED this 1st day of November, 2016.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

 By /s/ MAX BURDICK

 Chair

By /s/ SHERRIE SWENSEN

 County Clerk

Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the request and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Members Snelgrove and Burdick were absent for the vote.] 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, Engineering & Flood Control Division, submitted a letter recommending approval of the following RESOLUTION authorizing adoption of a civil penalty schedule for flood control violations.

RESOLUTION NO. 5131 DATE: NOVEMBER 1, 2016

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL ADOPTING A CIVIL PENALTY SCHEDULE FOR FLOOD CONTROL VIOLATIONS.

WITNESSETH

 WHEREAS, Utah Code 17-8-5 designates certain flood control responsibilities to the County for its flood control facilities, and provides that the County Council may “promulgate regulations to prevent the destruction or obstruction of these [flood control facilities]…and may provide for the enforcement of those regulations”: and

 WHEREAS, County Council has adopted Title 17 of the Salt Lake County Code, which identifies the County’s flood control facilities and provides regulations against the obstruction and destruction of these facilities, and provides for the enforcement of these regulations; and

 WHEREAS, County Council has adopted Salt Lake County Code 17.32.020(A), which provides that “any responsible person found in violation of the provisions of this title may be fined according to the Flood Control Violation Civil Penalty Schedule, adopted by the County’s governing body”; and

 WHEREAS, Salt Lake County Flood Control desires for the County Council to adopt the Flood Control Violation Civil Penalty Schedule as provided by the Salt Lake County Code (17.32.020(A); and

 WHEREAS, pursuant to Section 3.42.040 of the Salt Lake County Code of Ordinances, new fees imposed by Salt Lake County agencies may be adopted at any time by resolution of the County Council; and

 WHEREAS, it has been determined that the best interests of Salt Lake County and the general public will be served by the attached Flood Control Civil Penalty Schedule, as this measure will aid Salt Lake County Flood Control in efficiently enforcing violations of Title 17 and prevent unnecessary harm to the County’s flood control facilities and public property.

RESOLUTION

 NOW, THEREFORE, IT IS HEREBY RESOLVED by the County Council of Salt Lake County that the fees imposed in the attached Flood Control Violation Civil Penalty Schedule are approved and adopted. It shall become effective thirty (30) days after its adoption and upon at least one publication of the policy or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED in Salt Lake City, Salt Lake County, Utah, this 1st day of November, 2016.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

 By /s/ MAX BURDICK

 Chair

By /s/ SHERRIE SWENSEN

 County Clerk

Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the request and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Member Granato was absent for the vote.] 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. David Clemence, Manager, Real Estate Section, submitted a letter recommending approval of the following RESOLUTION authorizing execution of an INTERLOCAL AGREEMENT between Salt Lake County for its Real Estate Section and **South Valley Sewer District** – Perpetual Easement and a Temporary Construction Easement for the installation of an Underground Sewer Line. South Valley Sewer will pay $2,000 to the County for a perpetual easement and a temporary construction easement for the construction of a new sewer line under a portion of the Jordan River Trail located at approximately 15000 South 1300 West in Bluffdale. This agreement will end upon the performance of all obligations as agreed upon.

RESOLUTION NO. 5132 DATE: NOVEMBER 1, 2016

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE SOUTH VALLEY SEWER DISTRICT TO GRANT A PERPETUAL EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO INSTALL AN UNDERGROUND SEWER LINE ON PROPERTY OWNED BY THE COUNTY

RECITALS

1. Salt Lake County (the “County”) owns a small 0.16 acre parcel of land, identified as Parcel No. 33-10-476-007, located at approximately 15000 South 1300 West in Bluffdale (the “Property”).
2. A portion of the Jordan River Trail (the “Trail”) is located on the Property.
3. South Valley Sewer District (the “District”) is constructing a new sewer line in this area and is seeking to obtain a perpetual easement and a temporary construction easement from the County where the sewer line crosses the Property.
4. The construction of the new sewer line will impact approximately 300 feet of the Trail, some of which is located beyond the boundaries of the Property on adjacent private property but within an easement owned by the County for the Trail (“Trail Easement”).
5. The District agrees to compensate the County in the amount of $2,000 for the easements and to restore the impacted area of the Trail both within the Trail and the adjacent Trail Easement.
6. The County and the District have agreed to the terms and conditions of an Interlocal Cooperation Agreement (“Agreement”), a copy of which is attached hereto as Exhibit 1.
7. It has been determined that the best interests of the County and the general public will be served by entering into this Agreement. The Agreement will be in compliance with all applicable state statutes and County ordinances.

 NOW, THEREFORE, IT IS HEREBY RESOLVED by the Salt Lake County Council that the Salt Lake County Mayor is hereby authorized to execute said Agreement, a copy of which is attached as Exhibit 1, and by this reference made a part of this Resolution.

 IT IS FURTHER RESOLVED by the Salt Lake County Council that the Salt Lake County Mayor and Salt Lake County Clerk are authorized to execute Perpetual Easement attached to the Agreement as Exhibit A and the Temporary Construction Easement attached to the Agreement as Exhibit B and to permit the District to restore the impacted area of the Trail, including the area within the Trail Easement in accordance with the plans attached to the Agreement as Exhibit C.

APPROVED and ADOPTED in Salt Lake City, Salt Lake County, Utah, this 1st day of November, 2016.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

 By /s/ MAX BURDICK

 Chair

By /s/ SHERRIE SWENSEN

 County Clerk

Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the request and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Members Snelgrove and Burdick were absent for the vote.] 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, Engineering & Flood Control Division, submitted a letter recommending approval of the following RESOLUTION authorizing adoption of a revised fee schedule for waste collected at the Salt Lake Valley Solid Waste Management Facility.

RESOLUTION NO. 5133 DATE: NOVEMBER 1, 2016

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL ADOPTING A REVISED FEE SCHEDULE FOR WASTE COLLECTED AT THE SALT LAKE VALLEY SOLID WASTE MANAGEMENT FACILITY

WITNESSETH

 WHEREAS, Salt Lake County is a co-owner and operator of the Salt Lake Valley Solid Waste Management Facility (“Facility”); and

 WHEREAS, the County Council previously adopted the “Landfill Rates Fee Schedule” for the Facility’s use, and which sets the following pricing scheme for waste disposal: (1) a fixed price per ton of waste for all gross weights that are over 9,000 pounds and (2) a flat fee per axle for gross weights of 9,000 pounds or less; and

 WHEREAS, Salt Lake County Solid Waste Management desires the County Council to adopt the revised Landfill Rates Fee Schedule in order to eliminate pricing by axle, which pricing can cause disparities in the prices customers pay for the same amount of waste disposed; and

 WHEREAS, on September 26, 2016, the Salt Lake Valley Solid Waste Management Council approved the revised Landfill Rates Fee Schedule to correct this inequality by eliminating axle pricing; and

 WHEREAS, pursuant to Section 3.42.040 of the Salt Lake County Code of Ordinances, new fees imposed by Salt Lake County agencies may be adopted at any time by resolution of the County Council; and

 WHEREAS, it has been determined that the best interests of Salt Lake County and the general public will be served by the attached Landfill Rates Fee Schedule.

RESOLUTION

 NOW, THEREFORE, IT IS HEREBY RESOLVED by the County Council of Salt Lake County that the fees imposed in the attached Landfill Rates Fee Schedule are approved and adopted. It shall become effective thirty (30) days after its adoption and upon at least one publication of the policy or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED in Salt Lake City, Salt Lake County, Utah, this 1st day of November, 2016.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

 By /s/ MAX BURDICK

 Chair

By /s/ SHERRIE SWENSEN

 County Clerk

Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Jensen, seconded by Council Member Bradshaw, 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 effect the same, showing that all Council Members present voted “Aye.”

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 Mr. David Clemence, Manager, Real Estate Section, submitted a letter recommending approval of the following RESOLUTION authorizing execution of a LEASE AGREEMENT between Salt Lake County for its Health Department and **MAOB, L.L.C.**  – Lease of property for office space and health clinic. Salt Lake County will pay MAOB L.L.C.a fair market amount as delineated in the agreement to lease approximately 23,256 square feet located at 660 South 200 East, to house the Salt Lake County Health Department’s Salt Lake City offices and clinic while a new building is being constructed. The term of agreement is from November 1, 2016, to December 31, 2018.

RESOLUTION NO. 5134 DATE: NOVEMBER 1, 2016

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH MAOB, L.L.C.

RECITALS

1. MAOB, L.L.C. (MAOB) owns an office building (“Building”) located at 660 South 200 East, Salt Lake City, Utah
2. Salt Lake County (“County”) on behalf of the Salt Lake County Health Department wishes to lease approximately 23,256 rentable square feet of the Building to house the Salt Lake County Health Department’s Salt Lake City offices and clinic while a new building is being constructed on the County’s property immediately adjacent to the Building.
3. In furtherance of the above stated public purpose, the parties wish to enter into the attached Lease Agreement (“Lease”).
4. It has been determined that the best interests of the County and the general public will be served by entering into the attached Lease under the terms and conditions as set forth in the Lease. The execution of said Lease will comply with all applicable state statutes and County ordinances.

 NOW, THEREFORE, IT IS HEREBY RESOLVED by the Salt Lake County Council that it is in the best interest of the County to enter into the attached Lease and that the Lease is accepted and approved. The Mayor is hereby authorized to execute the Lease Agreement on behalf of Salt Lake County and to deliver the fully executed document to the County Real Estate Section for further action.

APPROVED and ADOPTED this 1st day of November, 2016.

SALT LAKE COUNTY COUNCIL

ATTEST (SEAL)

 By /s/ MAX BURDICK

 Chair

By /s/ SHERRIE SWENSEN

 County Clerk

Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the request and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Members Snelgrove and Burdick were absent for the vote.] 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. Michael Ongkiko, Director, Human Resources Division, submitted a request to approve the job slotting appeal process and form.

 Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the job slotting appeal process allowing Human Resources to conduct appeals, and instructed Jason Rose, Legal Counsel, Council Office, to work with Human Resources to make the necessary changes to the form, and to bring it back for Council approval, and forward the item to the 4:00 p.m. Council meeting for formal consideration.  The motion passed unanimously.] The Council motion passed unanimously, showing that all Council Members present voted “Aye.”

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 Mr. Reid Demman, County Surveyor, submitted a request for a boundary change between Utah County and Salt Lake County.

 Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Jensen, seconded by Council Member Snelgrove, moved to ask the County Surveyor to move forward with planning a public hearing and working out any technical issues, and forward the item to the 4:00 p.m. Council meeting for formal consideration. This approval is contingent upon the Utah County Commissioners agreeing with this alignment. The motion passed unanimously. Council Member DeBry was absent for the vote.] The Council motion passed unanimously, showing that all Council Members present voted “Aye.”

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 The Council reviewed a proposed list of cultural facility projects from the Cultural Facilities Support Program Advisory Board.

 Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Jensen, moved to accept the cultural facility project list and forward the matter to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously.] The Council motion passed unanimously, showing that all Council Members present voted “Aye.”

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 Sheriff Jim Winder submitted a letter requesting approval for an interim budget adjustment for a time-limited Community Corrections Chief Deputy to oversee the Community Corrections Center Project. This will require shifting $31,482 from Operations to Personnel to cover two months of 2016.

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 Mr. Jim Cooper, Director, Library Services Division, submitted a letter requesting approval for an interim budget adjustment to reclassify the following positions:

1. A 0.50 Shelver Grade 11 to a 0.50 Library Assistant Grade 19
2. A 0.75 Marketing Communications Specialist Grade 20 & 0.25 Shelver Grade 11 to a Public Relations Spec Grade 24
3. A 0.50 Shelver Grade 11 to a Librarian Grade 26
4. A 0.50 Shelver Grade 11 & .025 Customer Service Specialist Grade 15 to a 0.75 Librarian Grade 26

 Annual budgetary impact will be $84,609.00.

 Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Snelgrove, seconded by Council Member Bradley, moved to approve the requests and forward them to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Member DeBry was absent for the vote.] 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. Martin Jensen, Director, Parks and Recreation Division, submitted a letter requesting approval for an interim budget adjustment to transfer $100,000 to the Open Space Trust Fund to contribute to the acquisition of the Owl Meadow property. The Council also received a request to approve a total expenditure of $250,000 from the Open Space Trust Fund to purchase the Owl Meadow property, contingent upon a current appraisal.

 Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Jensen, seconded by Council Member Bradley, moved to approve the requests, contingent upon a current appraisal, and forward the matter to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Members Granato and DeBry were absent for the vote.] 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. Tom Zumbado**, Planning & Development Services Division, reviewed the following rezone application: (4:16:51 PM)

 Application #29966 – **Bryan Wright** to reclassify property located at 3785 S. Highland Drive from an R-1-10 to a C-2 zone.

 **Mr. Zumbado** stated the applicant is seeking to develop an office building for his architectural firm. Three parcels of land are currently vacant and undeveloped. Immediate neighbors are in R-1-10 parcels. However, the land directly west, along with other parcels along Highland Drive are also in the C-2 zone. This change is in line with several objectives in the General Plan to help bolster and rejuvenate some of the commercial use that is happening along the corridor of Highland Drive. Because of the lack of development in past years, this vacant property has attracted squatters, derelict vehicles, and drug users. This might improve upon the area.

At the regularly scheduled Millcreek Township Planning Commission meeting, the application was met with a considerable amount of public scrutiny. Most people were reserved and looking for information on the long term effects of a C-2 rezone.

The Millcreek Community Council unanimously recommended approval of the application with an added height restriction of 40 feet. By a 3 to 2 vote, the Millcreek Planning Commission also recommended approval with the restrictions of a 40-foot height limit and development limited to permitted uses and professional offices only. County staff also recommended approval.

 **Council Member Bradley** asked what enterprises were allowed in the C-2 zone.

 **Mr. Zumbado** stated C-2 allows for manufacturing and more intensive commercial use. The neighbors were concerned about the heavier uses of the C-2 zone. However, this request is for an architectural firm and the plans are very well thought out.

 Council Member Jensen, seconded by Council Member DeBry, moved to open the public hearing. The motion passed unanimously, showing that all Council Members present voted “Aye.”

 **Mr. Bryan Wright**, applicant, stated he was looking to build his professional offices. The reason for the C-2 zone is to allow for a minimal amount of retail that goes with the architectural and interior design firm (such as furniture sales). He had a fault study done on the property because a fault line and aqueduct run under the land. The result was there is a very limited area that is developable. He will not put a giant building on the three parcels. They will develop a small footprint along with the parking ratios that are associated with it. His firm specializes in high-end custom residential work with an emphasis on classical or historical looks. Therefore, they want to build a classical building that reflects the values of the company and the neighborhood.

 **Council Member Bradley** asked if Mr. Wright would object to some restrictions on the zoning and the type of development that could be done, but which would also encompass his vision for the property.

 **Mr. Wright** stated no. His main concern was to get a professional office and some associated retail.

 **Council Member Jensen** asked if Mr. Wright was comfortable with the zoning conditions recommended by the Millcreek Planning Commission.

 **Mr. Wright** stated yes.

 **Ms. Jill Percival** stated she and her husband own the property directly south of the applicant property. She requested that the entrance and exit to the proposed building be off of Highland Drive, and not the adjacent Forest Hills Drive. She also asked that a retaining wall, similar to the one on her property, be built on the corner of Highland Drive and Forest Hills Drive. for the beautification of the project.

 **Council Member Burdick** stated those issues will be dealt with during the site plan phase of the application.

 Council Member Jensen, seconded by Council Member DeBry, moved to close the public hearing, and approve the zone change with the conditions recommended by the planning commission.

 **Council Member Bradley** asked if the zoning conditions protected the area from larger commercial development, like tire companies or 7-11 stores.

 **Council Member Jensen** stated it does not.

 **Mr. Chris Preston**, Deputy District Attorney, stated the planning commission’s recommendation was for all permitted uses and professional office uses; that is more than just a professional office.

 **Council Member Bradley** asked if something more restrictive could be considered. He was concerned that if this architectural firm development does not materialize, the zone change would leave the area open for much larger commercial development.

 **Council Member Jensen** stated the Council cannot change the permitted uses unless it changes them on the ordinance.

 **Council Member Wilson** stated for the record, she would like to read the “Planning Commission Response” contained in the Planning & Zoning packet: *“At their regularly schedule meeting on August 10, 2016, the Millcreek Township Planning Commission recommended approval for File #29966 with added zoning conditions of a height restriction of 40 feet and for the property to be limited to permanent uses and professional offices only.”*

 **Mr. Jason Rose**, Legal Counsel, Council Office, stated he thought the word *“permanent”* should be *“permitted.”*

 **Mr. Preston** stated in the ordinance there is a whole list of permitted uses and conditional uses in the C-2 zone. A professional office is a permitted use. The ordinance also allows for the narrowing of permitted uses by the Council.

 **Council Member Wilson** stated she thought the use of the word *“only”* in the recommendation indicated the planning commission was looking for a narrowing of the possible uses.

 **Council Member Jensen** withdrew his motion.

 Council Member Wilson, seconded by Council Member Bradley, moved to continue Application #29966 for one week so that staff could review the Millcreek Township Planning Commission minutes for clarification. The motion passed unanimously, showing that all Council Members present voted “Aye.”

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 **Mr. Jeff Miller**, Planning & Development Services Division, reviewed the following rezone application: (4:40:45 PM)

 Application #30060 – **David Richardson** to reclassify property located at 3437 South 1300 East from an R-1-8 to an R-2-6.5 zone.

 **Mr. Miller** stated this application consists of four parcels, three of which front 1300 East. Another rezone application for this property was previously submitted, but recommended for denial by the Millcreek Community Council, Millcreek Township Planning Commission, and was ultimately denied by the County Council.

The current edition of the application also received denial recommendations from the planning commission and community council. Citizens were concerned about traffic issues and increased density. Since it went to the planning commission, the applicant has requested that County staff look at historical rezone data for these four parcels. That research indicated that in 1996 the parcels were rezoned from R-2-6.5 to R-1-8 zone. Planning staff does not have a recommendation due to the large amount of input from citizens.

 **Mr. Rose**, attorney for applicant, delivered a PowerPoint presentation. He reviewed the Millcreek zoning map, zoning background of the property, previous and current concept plans, studies for soil, seismic activity and traffic, and photographs of the surrounding area. Six units are currently allowed on the property; the applicant is asking for eight.

 **Council Member Wilson** asked if the existing homes on the property will remain owned by the applicant.

 **Mr. Dade Rose** stated yes; it is a one owner trust. This property used to be zoned R-2-6.5, and the applicant would like to go back to that. It would make sense for the neighborhood. The general plan indicates that these parcels are located in an area of moderate change, and gradual increase in density. Going from six homes to eight is very gradual.

 Council Member Wilson, seconded by Council Member DeBry, moved to open the public hearing. The motion passed unanimously, showing that all Council Members present voted “Aye.” Council Member Burdick was absent for the vote.

 **Ms. Holly Decker** stated she was confused as to why the applicant was saying their rezone request would limit them to eight dwellings.

 **Mr. Zachary Shaw**, Deputy District Attorney, stated the applicant is proposing a lower density than what is allowed. Council could put zoning conditions on the property limiting it to the density proposed by the applicant.

 **Ms. Decker** stated neighbors are concerned with the density of this project. The master plan designates this area as one with moderate change. However, the area really is very stable. Citizens plan to ask the new Millcreek City to re-designate this area as “stable.” The area is primarily single family homes with a few duplexes. She would be okay with the current change if the density were limited.

 **Mr. Claron Spencer** stated moderate change has been ongoing in this area. He described some of the new and proposed changes to the neighborhood. He also understood that the applicant and his family were entertaining an offer to sell the property. This is not the area for the type of project being proposed. He would be okay with six units, but not eight.

 **Mr. Doug Sampson** stated he was pleasantly surprised by this new proposal; this is a good compromise. His only concern is that houses are sold as individual units, and not turned into rental properties.

 **Mr. Shaw** stated zoning does not regulate owner occupation. Zoning regulates density, setbacks, and lot sizes.

 **Mr. Robert Sudbury** stated the increased density of this project will bring traffic, water, and utility problems. Citizens have the right to develop land as they see fit, but within certain bounds.

 **Ms. Mary Seaman** stated she was concerned that the slides presented show a very commercial area. However, the neighborhood this development is planned for consists of stable, single family homes. Development is fine within the current zoning designation. It seemed wrong to change that.

 **Mr. Vaughn Fillingim** stated he had a lot of concerns about this project. The traffic study that was done was never shared with the neighbors. The applicant’s parents were alive when the last rezone took place. They cared about the neighborhood and had no problem with zone change. Now the family wants to make the property into a money maker. Their greed should not overrule so many people who did their best to improve the neighborhood.

 Council Member Bradshaw, seconded by Council Member Wilson, moved to close the public hearing. The motion passed unanimously, showing that all Council Members present voted “Aye.” Council Member Burdick was absent for the vote.

 **Council Member Bradshaw** asked if the applicant could build six units under the current zoning.

 **Mr. Miller** stated yes.

 **Council Member Bradshaw** stated it is a practical decision as to whether the Council allows eight dwellings or leaves it at six.

 **Mr. Miller** stated these would be attached single family homes.

 **Council Member Bradshaw** stated developing the parcels with five buildings (two existing single family homes, and three new duplexes) is a smaller footprint than four additional single family homes.

 **Council Member Granato** stated he has seen several proposals for this property. He is familiar with this street and it is not easy to access. He also did not appreciate the misinformation or non-information from the applicant. They needed to be more forthright with the neighbors. He did not like the idea of a zone change because it leaves elasticity in what can be done in the future, unless the Council can control it.

 Council Member Granato moved to push this application to the new Millcreek City and its new planning commission. The motion died for lack of a second.

 **Council Member Granato** stated Millcreek City is where the issue belongs. The application has already been turned down by the community council and planning commission.

 **Council Member Bradley** stated this is a curious case in that the proposal would reduce the number of new structures that would be possible from four to three. However, previous editions of the application have been denied by the planning commission and community council.

 **Council Member Bradshaw** asked if the Council could continue the application until January 2017, when Millcreek officially becomes a city. He asked if the application would automatically roll over to Millcreek City.

 **Mr. Shaw** stated the applicant is entitled to file an application and have current ordinances in effect apply to that application. Currently, it is up to Salt Lake County to decide on the rezone. The applicant could withdraw the application and refile it with Millcreek City.

 **Council Member DeBry** asked if the applicant could refile with Millcreek City next year.

 **Mr. Shaw** stated that would have to be sorted out by Millcreek City. The applicant would be filing under new zoning ordinances. Under the County ordinance there is a 12-month waiting period before an applicant can refile, but Millcreek City may change that.

 **Council Member Wilson** stated she recognized the various positions on this issue. The current application is a good compromise. She supported growth and development in a reasonable way.

 Council Member Wilson, seconded by Council Member Bradshaw, moved to approve the rezone with the 5.6 units per acre.

 **Council Member DeBry** asked why the planning commission recommended denial of this application.

 **Mr. Shaw** stated the planning commission only saw an application for 17 units, not the eight units that are being proposed today.

 **Ms. Caroline Spencer** stated this discussion is about the site plan; it has nothing to do with the zoning change. The Council is here to decide on a zoning designation. It does not matter what the applicant plans to put on the property.

 **Council Member Bradley** stated the Council was aware of that and wants to guard against writing the applicant a blank check for the property.

 **Council Member Bradshaw** stated for clarification, whatever the applicant presents to the Council does not mean it will be built. However, the applicant would be limited to eight total units. Right now, the applicant can build four single family homes with smaller setbacks without a zone change.

 **Council Member DeBry** asked if the change to eight units would be in perpetuity.

 **Council Member Bradshaw** stated no. The zoning or zoning conditions could be changed by a future Council.

 **Council Member Jensen** asked if the motion included zoning conditions.

 **Council Member Bradshaw** stated yes. The property would be limited to 5.6 units per acre in the R-2-5.6 zone, which limits development to no more than eight units.

 **Council Member Jensen** stated he is struggling with this issue because he did not want to vote against the recommendations of the planning commission and community council.

 **Council Member DeBry** stated he also did not want to vote against the recommendations. However, the community council and planning commission did not have the same information that is being presented to the Council. Property rights are sacred, but so are the property rights of the neighbors who have been there for years.

 **Mr. Rose** stated when the proposal was made to the community council and planning commission, the applicant did not have legal counsel. People are nervous and make mistakes during such presentations. He asked the Council to take that under consideration.

 **Mr. David Richardson**, applicant, stated originally he wanted to go back to the 1990’s zoning. However, while working with Mr. Rose, examining the RCOZ, and the historic home, he concluded that very little can be built under those conditions.

 **Council Member Jensen** asked why Mr. Richardson did not bring the new proposal back to the planning commission.

 **Mr. Richardson** stated it was his understanding that he was only allowed to take the matter to the planning commission one time.

 **Mr. Shaw** stated the planning commission made its decision based on the information presented to them. One option for the Council is to remand the rezone application to the planning commission.

 Council Member DeBry, seconded by Council Member Granato, made a substitute motion to remand Application #30060 to the Millcreek Township Planning Commission to get its recommendation based on the new information and data presented today to the Council.

 **Council Member Bradley** stated when this matter goes back to the planning commission much of the psychological environment that existed the first time may still be there. There is a reluctance to entertain change, and the application could be denied again. However, the citizens who have spoken today will be better educated about the process.

 **Council Member Wilson** stated she did not think the Council should punt this application back to the planning commission. She asked when it would be back on the planning commission agenda.

 **Mr. Shaw** stated it would likely be on the December meeting agenda. Thereafter, the Council will have to make a decision, even if it was in January.

 Council Member DeBry, seconded by Council Member Granato, made a substitute motion to remand Application #30060 to the Millcreek Planning Commission to get its recommendation based on the new information and data presented today to the Council. The motion passed 4 to 3 with Council Members Snelgrove, Wilson, and Bradley voting “Nay.” Council Member Burdick was absent for the vote.

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 THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned at 5:46:53 PM until Tuesday, November 8, 2016, 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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1. Chaired meeting for Planning & Zoning Application No. 30060. [↑](#footnote-ref-1)
2. Chaired meeting through Planning & Zoning Application No. 29966. [↑](#footnote-ref-2)