

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, JULY 7, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Thursday, July 7, 2005, at 7:09 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Eric Jergensen
Nancy Saxton	Jill Remington Love	Dave Buhler
Dale Lambert		

Cindy Gust-Jenson, Executive Council Director; Rocky Fluhart, Chief Administrative Officer; Ed Rutan, City Attorney; and Chris Meeker, Deputy City Recorder were present.

Councilmember Lambert presided at and Councilmember Love conducted the meeting.

#1. The Council led the Pledge of Allegiance.

#2. Councilmember Lambert moved and Councilmember Jergenson seconded to approve the **minutes** of the Salt Lake City Council meetings held **June 14 and 21, 2005**, which motion carried, all members voted aye. (M 05-1)

QUESTIONS TO THE MAYOR

Councilmember Turner thanked Mr. Fluhart and the Mayor for jazz festival entertainment.

UNFINISHED BUSINESS

#1. RE: Adopting a motion to **override a veto of amendment** to certain sections of **Chapter 2.46 of the Salt Lake City Code**, relating to the **Campaign Financing Disclosure ordinance**.

Councilmember Buhler moved and Councilmember Turner seconded to **adopt the motion**, which motion carried, all members voted aye.

Councilmember Buhler said the Mayor had a yes or no vote on the ordinance and could not single out a section. He said the Mayor had raised objections regarding taxicabs.

Councilmember Christensen said parts of the ordinance were to bring Salt Lake City in compliance with State statute. (O 05-15)

#2. RE: Adopting amendments to certain sections of **Chapter 2.46 of the Salt Lake City Code**, relating to the **Campaign Financing Disclosure ordinance**.

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, JULY 7, 2005

Councilmember Buhler moved and Councilmember Christensen seconded to **adopt Ordinance 43 of 2005**, which motion carried, all members voted aye.

(O 05-15)

#3 RE: Requesting that the Administration hold a **hearing** at **5:00 p.m. on July 12, 2005** regarding a request by the **Utah Department of Transportation** to **acquire property owned by Public Utilities**. An easement will be retained for access and cleaning of the culvert. Compensation will be tendered

Councilmember Christensen moved and Councilmember Turner seconded **not to call for a hearing**, which motion carried, all members voted aye except Councilmember Saxton who voted nay.

Ms. Gust-Jenson said this was a routine item but had been listed on Unfinished Business rather than Consent due to public interest in the Legacy Highway. She said the property was owned by Public Utilities. She said the value was \$1,200. She said she would ask Mr. Hooton for more information and include it in the next Council packet.

Mr. Wheelwright said Public Utilities owned the right-of-way for a canal and Utah Department of Transportation (UDOT) wanted to acquire the property for the Legacy Highway. He said Public Utilities would receive a culvert to convey water.

Councilmember Saxton said the issue was not a small matter. She said this could be an enabling aspect for the development and construction of the Legacy Highway. She said a public hearing should be called.

Councilmember Christensen said UDOT could condemn the property.

Mr. Fluhart said blocking the sale of the property would have no effect on building the Legacy Highway.

Ms. Gust-Jenson said the hearing would be administrative and the Council would have no participation. She said the decision would be made by the Administration.

(W 05-4)

CONSENT AGENDA

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

#1. RE: Requesting that the Administration not hold a **hearing** regarding a request for a **telecommunications right-of-way permit to connect security and other communication functions from the Little**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, JULY 7, 2005

America block south across 600 South (aerial line) and north across 500 South (subsurface conduit line). Compensation will be tendered

#2. RE: Requesting that the Administration not hold a hearing regarding a request for a lease agreement for encroachment on the Jordan and Salt Lake Canal bisecting to allow parking and access as part of new residential development. Improvement will also be made to the canal. Compensation will be tendered

#3. RE: Confirming the date of July 14, at 5:30 pm to accept public comment and consider adopting an ordinance amending the Avenues Community zoning Map to revoke the Landmark Site Designation for the "Malcolm A. Keyser" home located at 381 East 11th Avenue from the Salt Lake city Register of Cultural Resources pursuant to Petition 400-05-22. (Request by Michael Kerns).

P 05-14

#4. RE: Approving the appointment of Kathy Wheadon to the Capital Improvement Program Board for a term extending through June 2, 2008.
(I 05-18)

#5. RE: Approving the appointment of Ben Burdett to the Capital Improvement Program Board for a term extending through June 2, 2008.
(I 05-18)

#6. RE: Approving the appointment of Ruby Chacon to the Library Board for a term extending through June 30, 2008.
(I 05-19)

#7. RE: Approving the appointment of Mary Ann Villarreal Chacon to the Library Board for a term extending through June 30, 2008.
(I 05-19)

#8. RE: Approving the appointment of Prescott Muir to the Planning Commission for a term extending through July 1, 2008.
(I 05-20)

#9. RE: Approving the appointment of Timothy Chambless to the Planning Commission for a term extending through July 1, 2008.
(I 05-20)

The meeting adjourned at 7:22 p.m.

Council Chair

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, JULY 7, 2005

Chief Deputy City Recorder

cm

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JULY 12, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, July 12, 2005 at 7:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Jill Remington Love
Eric Jergensen	Dave Buhler	Nancy Saxton
Dale Lambert		

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

Councilmember Lambert presided at and Councilmember Love conducted the meeting.

#1. The Council led the Pledge of Allegiance

#2. Consider adopting a joint resolution relating to **Japan Town**.

Councilmember Jergensen moved and Councilmember Turner seconded to adopt **Resolution 50 of 2005**, which motion carried, all members voted aye. (R 05-1)

PUBLIC HEARING

#1. **RE:** Accept public comment and consider adopting an ordinance establishing Section 21A.34.120 of the Salt Lake City Code relating to the **Yalecrest Compatible Infill Overlay District** pursuant to Petition No. 400-02-34.

The following people spoke or submitted speaker cards in support of the proposed ordinance: **Bob Sperling; June Taylor; Scott Dwire; Sally Patrick; Ed Glashien; Virginia Hylton; Beth Bowman; Lisette Gibson; Bee Lufkin; David Gibson; George Kelner; Sarah Patrick; Rob White; Dick Creager; Madsen Ever; Jon Dewey; Jim Defa; Kody Wallace; Eric McCune; Kirk Huffaker; Warren Lloyd; Jeff Edwards; Rod Minister; Kent Alderman; Shane Carlson; Karen McCreary; Sarah George; Matt Finnigan; Brian Stevens; Diane Curtz; Susan Webster; Hugh and Jan Gillilan; Jonathan Hermance; Susan Hermance; Laura Hansen and Jackie Solon.**

The following people spoke or submitted speaker cards in opposition of the proposed ordinance: **Lisa Nichols; Kathy Dudley; Phillip Nichols; David Darley; Paul Sharp; Crelley MacKey; Ronald Molen and Brett Neuberger.**

The following people submitted cards but did not wish to speak:

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JULY 12, 2005

Chris LaTour; Cathleen Kelner; Tanya and Rick Johnson.

Councilmember Saxton moved and Councilmember Buhler seconded to **close the public hearing**, which motion carried, all members voted aye.

Councilmember Saxton asked **Joel Paterson**, Senior Planner, Preservation and Urban Design, to address the garage issue on 900 South. Mr. Paterson said as in any zone in Salt Lake City there was a process that went through the Board of Adjustment to gain relief from property hardships.

Mr. Paterson said that did not guarantee that everyone on 900 South would get a garage approved. He said the Board had to review every proposal based on State law, standards and the zoning ordinance. He said there was a process written into the proposed Yalecrest Compatible Infill (YCI) Overlay Zone which allowed a special exception similar to a variance. He said the Board would use different standards to allow a garage to be built in front of a house. He said there were standards in the proposal which would limit a garage from being built in front of the house. He said there were also specific standards which would under certain circumstances allow a garage to be built forward of the front line of the house.

Mr. Paterson said the special exception process did require that the garage meet all required setbacks. He said many of the homes on 900 South could not meet that because the garage would have to be setback beyond the front setback requirement.

Councilmember Jergensen asked if the special exception process still allowed a garage to be built. Mr. Paterson said there was a standard in the proposal that if there was an existing garage in front of the front line of the house that garage could be replaced in the same footprint. He said there was also a special topographical exception process which allowed garages to be built into hillsides. He said side and rear yards could not be accessed for parking.

Councilmember Buhler asked how the homeowners on 900 South would be affected by the proposed ordinance. Mr. Paterson said many of the properties all ready had issues under the current ordinance and would not be able to build a detached garage in front of the house because of setback requirements. He said the YCI did add new standards for garages such as the height of the door and placement of the garage.

Councilmember Buhler moved and Councilmember Lambert seconded to adopt **the revised Ordinance 44 of 2005**.

Councilmember Buhler said the revised ordinance added Section H at the end making the proposal clearer by stating that a homeowner could apply for a variance or a special exception. He said the section

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JULY 12, 2005

described what that process was through the Board of Adjustment and what the Board would need to consider a special exception or variance. He said that section needed to be clear to people who might have difficult circumstances due to no fault of their own but because of the configuration of their lot.

Councilmember Buhler said the proposed ordinance would not stop people from improving their property or from tearing down an existing house and building a new one. He said it protected the rights of the person living next door by not allowing their neighbor to infringe on their property values.

Councilmember Lambert said preserving neighborhoods remained an important concept and the City needed to allow restoration of neighborhoods. He said reasonable remodeling or rebuilds needed to be accommodated so that families would continue to stay in Salt Lake City. He said the proposed ordinance preserved a neighborhood but still allowed its growth and restoration.

Councilmember Saxton said she would support the proposed ordinance and hoped that it would continue to move through the City.

Councilmember Christensen said this proposal added a reasonable balance to the process. He said there might need to be changes in the future.

Councilmember Jergensen said this was a start in the right direction. He said he appreciated the community's involvement. He said he hoped the Council could move forward with other areas of the community.

Councilmember Love said every neighborhood around Yalecrest was anxiously waiting a proposal for their neighborhood.

Councilmember Love called for the question, which motion carried, all members voted aye.

(P 05-13)

COMMENTS TO THE CITY COUNCIL

Bob Fisher spoke about low rent housing.

UNFINISHED BUSINESS

#1. RE: Adopting a resolution of the City Council of Salt Lake City, Utah, appointing a Board of Equalization and Review for **Salt Lake City, Utah Rose Park Special Improvement District** (The "District"); setting the dates for the Board of Equalization to hear and consider objections and

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JULY 12, 2005

corrections to any proposed assessments; authorizing the City Recorder to publish and mail a notice of meetings of the Board of Equalization and Review; and related matters.

Councilmember Christensen moved and Councilmember Turner seconded to adopt **Resolution 49 of 2005**, which motion carried, all members voted aye.
(Q 04-3)

#2. RE: Setting the date of **August 23, 2005 at 7:00 p.m.** to accept public comment and consider one or more ordinances **adopting and ratifying the rate of tax levy upon all real and personal property within Salt Lake City made taxable by law for Fiscal Year 2005-2006.** (Truth in Taxation Hearing)

a) Special Library Fund levy to be used for repayment of court ordered judgments; and

b) General Obligation bond levy to be used for repayment of court ordered judgments.

Councilmember Lambert moved and Councilmember Jergensen seconded to **set the date**, which motion carried, all members voted aye.
(H 05-4)

CONSENT AGENDA

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

#1. RE: Setting the date of **August 9, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **rezoning properties generally located at 850, 854, and 858 Edison Street** from Special Development Pattern Residential (SR-3) to Downtown Support (D-2) and amending the **Central Community Development Plan** pursuant to Petition No. 400-04-37. (Victor Kimball)
(Q 05-7)

#2. RE: Approving the appointment of **Bryan Case** to the **Housing and Appeals Board** for a term extending through December 31, 2008.
(I 05-6)

The meeting adjourned at 8:56 p.m.

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JULY 12, 2005

Council Chair

Chief Deputy City Recorder

bj

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, JULY 14, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Thursday, July 14, 2005, at 5:30 p.m. in Room 326, Committee Room, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Nancy Saxton
Jill Remington Love	Eric Jergensen	Dave Buhler
Dale Lambert		

Cindy Gust-Jenson, Executive Council Director; Edwin Rutan, City Attorney; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Lambert presided at and conducted the meeting.

PUBLIC HEARINGS

#1. RE: Accept public comment and consider adopting an ordinance regarding **Michael Kearns** request to **revoke** the **historic landmark designation** for the property located at 381 East 11th Avenue - the "**Malcolm A. Keyser**" home pursuant to Petition No. 400-05-22.

The following people spoke or submitted written comments in favor of the proposal: **Michael Kearns, Miriam Kearns, Lynda Snow** and **Chere Romney**.

The following people spoke or submitted written comments in opposition of the proposal: **Sandra Hatch, Kirk Huffaker** and **Cindy Cromer**.

Councilmember Jergensen moved and Councilmember Christensen seconded to **close the public hearing**, which motion carried, all members voted aye.

Councilmember Love moved and Councilmember Saxton seconded to **not adopt an ordinance to revoke the establishment of 381 East 11th Avenue as a landmark site**.

Councilmember Jergensen said the subject property was one of many historical homes located in his district. He said historical properties were important assets and provided livability/viability to City neighborhoods. He said the Historic Landmarks Commission (HLC) was established to provide a methodical process which allowed homes to change/evolve while preserving their historic nature. He said he did not want to harm the petitioner but he agreed with the original designation and would support the motion.

Councilmember Buhler said even though the proposal had been processed in a short timeframe, he could not find any reason to

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, JULY 14, 2005

overturn the designation made by the City Commission in the late 1970's. He said the HLC and Planning Commission (PC) reviewed the request and recommended leaving the designation in place. He said he was concerned about setting a precedent where other property owners could dispute historic designations. He said he was not aware of any evidence showing proper notice was not given and would support the motion.

Councilmember Love said she agreed with comments from previous Council Members. She said she was sympathetic to the petitioner's problem regarding the property sale but she had not heard anything which was compelling to change what was done in the late 1970's. She said there was no evidence that due process was not followed. She said having notification attached to the property title would be nice but it was not the City's current policy. She said she took the HLC and PC recommendations seriously and would support the motion.

Councilmember Lambert said he believed the City followed the proper legal procedures when the property was designated 28 years ago. He said the HLC and PC unanimously recommended retaining the site as an historical property. He said the Council looked to the HLC and PC for recommendations and he was reluctant to abandon their recommendations.

Councilmember Lambert said he was concerned about setting a precedent by allowing everyone to challenge historic designations which would undo the City's entire historic landmarks procedure. He said if there were concerns about the process the City could review the ordinance and make adjustments.

Councilmember Saxton said she owned several buildings which had some historical significance and understood the renovation process could be difficult. She said she believed the property was very unique and when the right buyer was found they would not be concerned about the historic designation because they would appreciate its historical value. She said she felt it was essential that the home remained a designated building because it needed to be preserved/cherished. She said the property enhanced the neighborhood and she would vote in favor of the motion.

Councilmember Lambert called for the question, which motion carried, all members voted aye.

(P 05-14)

The meeting adjourned at 6:50 p.m.

Council Chair

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, JULY 14, 2005

Chief Deputy City Recorder

sc