

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, November 15, 2005 at 12:15 p.m. in Room 326, City Council Office, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen
Nancy Saxton

Eric Jergensen
Dale Lambert (via speaker phone)

The following were absent:

Van Turner
Dave Buhler

Mayor Ross C. "Rocky" Anderson

Cindy Gust-Jenson, Executive Council Director; Larry Spendlove, Senior City Attorney; Sonya Kintaro, Recorder's Records Manager/Election Coordinator; and Chris Meeker, Chief Deputy City Recorder, were present.

Councilmember Saxton presided at and conducted the meeting.

UNFINISHED BUSINESS

#1. RE: The Board of Municipal Canvassers for Salt Lake City met at the usual place of meeting of the municipal legislative body **to canvass the election returns** pursuant to Utah Code Ann. § 20A-4-303. The Salt Lake City Recorder will be directed to forward the ballots to the Salt Lake County Clerk to be counted electronically. The City Recorder will be directed to prepare a canvass. This meeting will be recessed and reconvened at the same location at 7:00 p.m., Tuesday, November 15, 2005.

Sonya Kintaro, Records Manager/Election Coordinator, said State Code required that absentee ballots be reviewed by the Board of Canvassers. She said she had contacted County Elections at 12:00 p.m. and they had not received any more absentee ballots.

Ms. Kintaro said signatures and postmarks needed to be verified to confirm the eligibility of the ballots. She said the ballots would be taken to the County to be counted with the provisional ballots. She said she had reviewed 84 provisional ballots that were received for the election. She said 57 were deemed valid and 27 were not deemed valid.

A discussion was held on provisional ballots.

Councilmember Saxton said the invalid ballots would be considered first. Councilmember Lambert said he had a question on one ballot. He said the ballot was postmarked November 7th but someone had printed their name instead of signing the ballot. Ms. Gust-Jenson said the ballots had been taken to Councilmember Lambert's Office by an Election Official who had reviewed the ballots with him. She said Councilmember Lambert had

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retained copies so he could discuss the items with the Council.

Councilmember Christensen said some ballots were not postmarked. Ms. Kintaro said the County said at times they did receive absentee ballots without the U.S. Postal Service's postmark.. She said when the County stamped the ballots they assumed it would only take one day for delivery. She said Councilmember Lambert questioned two ballots received in the Elections Office on November 9th. She said no one knew when the two ballots were postmarked.

Councilmember Lambert said several ballots not postmarked but received on November 8th were accepted. He said the Council had rejected several ballots postmarked and received on November 9th. Ms. Kintaro said that was correct. She said two ballots considered valid were received in the Election Office on November 8th. She said Roseanne Mitchell from the County said it was a good assumption that those ballots were sent by November 7th.

Councilmember Jergensen said during the October election the Council did not accept a ballot because the postmark was unclear. He said the Council needed to be consistent. Councilmember Saxton said one ballot was dated by the individual on November 4th but there was no postmark. She said it was received by the clerk on November 9th. Ms. Kintaro said the County had considered them invalid and the Council had the final decision.

Larry Spendlove, Senior City Attorney, said State statute required that a ballot be clearly postmarked before Election Day and received in the Election Office before noon on the day of the official canvass.

Councilmember Christensen moved and Councilmember Jergensen seconded **to not accept the 11 ballots that were reviewed**, which motion carried, all members present voted aye.

Ms. Kintaro said six ballots were considered acceptable. Councilmember Lambert said two ballots considered acceptable were received on November 8th but were not postmarked. Ms. Kintaro said that was correct. She said the County assumed these ballots had been mailed by November 7th. Councilmember Lambert said he would reject the two ballots and accept the others.

Councilmember Lambert moved and Councilmember Christensen seconded **to reject the two ballots without a postmark and accept the remaining ones**.

Councilmember Jergensen asked about one ballot not postmarked but someone had written "at polls sb" on the ballot. Ms. Kintaro said that ballot was similar to the two the Council rejected. She said it was received at the polls on November 8th. Mr. Spendlove said a ballot was

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not invalid as long as it was received at an appropriate Election Office before the polls closed on Election Day. Councilmember Christensen said items received in the Election Office the day of the election even though there was no postmark would still qualify. He said that meant all six ballots were acceptable.

Councilmember Christensen moved and Councilmember Jergensen seconded to **accept all six of the ballots being considered**, which motion carried, all members present voted aye.

Councilmember Saxton asked about contracting with the County for elections. Ms. Kintaro said absentee ballots would be difficult to count if there was a large election. She said the current process allowed the Council to review the absentee ballots. She said the County could then count the absentee ballots with the provisional ballots. She said the cost for the last election was approximately \$149,000.

Ms. Gust-Jenson said having the City conduct elections in the past was hard. She said the County had the equipment and the ability to find polling places and judges for the City. Ms. Kintaro said her recommendation was to go with the County because starting next year things would be done by computer and the County would have the equipment.

Councilmember Saxton asked how the cost for the City's election was determined. **Chris Meeker**, Chief Deputy City Recorder, said it was determined by population, judges and polling places. Ms. Gust-Jenson said the reason they held the Board of Canvassers at noon was so the County could count the ballots during the day work hours. She said they could negotiate with the County in the next contract so the Council could vote at 5:00 p.m. She said then the ballots could be taken to the County and by 7:00 or 8:00 p.m. they would have the tabulation to vote on during the Regular City Council meeting.

The meeting adjourned at 12:56 p.m.

Council Chair

Chief Deputy City Recorder

bj

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The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, November 15, 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	Jill Remington Love
Eric Jergensen	Dave Buhler
Nancy Saxton	Dale Lambert

The following Councilmember was absent:

Van Turner

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

Councilmember Lambert presided at and conducted the meeting.

#1. The Council led the Pledge of Allegiance

PUBLIC HEARING

#1. **RE:** Accept public comment and hear protests concerning the proposed **creation of the Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2004-05 Fiscal Year, Job No. 102119** (the "District"), to construct improvements within the City consisting of the installation of concrete sidewalks, driveway aprons, curb, gutter and asphalt tie-ins, appurtenances and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; to pay the acquisition and installation costs and expenses by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements, assessments or the creation of the District; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and to authorize advertisement of construction bids and related matters.

Max Peterson, City Engineer, said out of 692 property owners, seven had protested. He said that was approximately a .54% protest rate.

Councilmember Buhler moved and Councilmember Love seconded to **close the public hearing and refer to Engineering for tabulation**, which motion carried, all members present voted aye.

(Q 05-9)

#2. **RE:** Accept public comment and consider adopting an ordinance

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rezoning properties located within the general area of 405 West 2300 North on the Lake Bonneville Bench area east of Beck Street from an Open Space Zoning District to a Natural Open Space District pursuant to Petition No. 400-05-20.

The following people spoke or submitted hearing cards in opposition to the rezoning: **Lynn Ballard**, North Salt Lake City Councilmember; **Kathy Sorenson**, PTA President at Orchard Elementary; **Leonard Arave**, and **Bill Wright**.

The following people did not wish to speak but submitted hearing cards in favor of the rezoning: **Martin McGregor** and **Charles Bohn**.

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

Councilmember Jergensen moved and Councilmember Love seconded to adopt **Ordinance 74 of 2005 1) zoning the North Salt Lake and Salt Lake City-owned properties, (Parcels C and D) on the map and as identified in the ordinance from Open Space to Natural Open Space, and 2) the Council table the matter of the Staker/Hunter/ Bates property identified as Parcel E.**

Councilmember Jergensen said a lot of time had been spent trying to come to an amicable solution and unfortunately that did not happen. He said he felt the best thing for all residents was to rezone the property as proposed.

Councilmember Christensen said this was a unique piece of ground. He said the proposed zoning was an appropriate way to preserve the area.

Councilmember Lambert said the land was important and he wanted to identify other properties within City boundaries where natural open space designation would be appropriate.

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

(O 05-25)

#3. RE: Accept public comment and consider adopting an ordinance amending Section 21A.62.040 of the Salt Lake City Code **pertaining to the zoning ordinance definition of "automobile"** so that sale of motor scooters and motorized bicycles would be allowed in zoning districts that otherwise prohibit the sale of automobiles pursuant to Petition No. 400-05-12.

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

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voted aye.

Councilmember Love asked if the scooters needed to be licensed. **Kevin Lopiccolo**, Manager/Zoning Administrator/ Planning Programs Supervisor, Preservation and Urban Design/ Zoning Administrator, said yes. He said the vehicles were licensed through the State Department of Motor Vehicles.

Councilmember Love moved and Councilmember Buhler seconded to adopt **Ordinance 77 of 2005**.

Councilmember Saxton said these vehicles were loud. She said at some point where the scooters and bikes were allowed to operate and the hours of operation would need to be considered.

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

(O 05-24)

#4. RE: Accept public comment and consider adopting an ordinance **closing and abandoning a portion of Navajo Street (1335 West) at approximately 83 South** pursuant to Petition No. 400-05-01. (Richard Lether)

Richard Lether, Petitioner, said he was present to answer any questions the Council had.

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

Councilmember Christensen moved and Councilmember Saxton seconded to adopt **Ordinance 78 of 2005**, which motion carried, all members present voted aye.

(P 05-21)

#5. RE: Accept public comment and consider adopting an ordinance amending Table 21A.46.120(E)(5), Salt Lake City Code, **pertaining to sign regulations for the Open Space (OS) District** and an ordinance amending Section 21A.46.020, Salt Lake City Code, **pertaining to sign code definitions** pursuant to Petition No. 400-05-11.

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

Councilmember Love moved and Councilmember Jergensen seconded to adopt **Ordinance 79 of 2005** pertaining to Sign Code Definitions and

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Ordinance 80 of 2005 pertaining to Sign Regulations for the Open Space District.

Councilmember Love said this addressed directional signs in many of the larger parks. She said some neighbors around Liberty Park felt there were too many visual aids. She said she had received calls from people who supported directional signs in the park.

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

(O 05-26)

COMMENTS TO THE CITY COUNCIL

Daniel Siraj spoke concerning the transportation ordinance that would not allow him to run his business. Councilmember Lambert referred Mr. Siraj to Sam Guevara, Mayor's Chief of Staff.

Steve Proper, Comcast, said the Council should have received Comcast's initial comments about the Qwest franchise. He said there had not been much of a public process on the franchise agreement. He asked that as the Council moved forward with this issue they allowed for future public comment.

George Sturzenberger said signs needed to be installed to show people the right direction to Ensign Peak. He said Ensign Peak could not be reached through Columbus Street.

UNFINISHED BUSINESS

#1. RE: The Mayor and City Council will convene as the Board of Canvassers at their regular meeting place to consider adopting a motion **accepting the City Recorder's statement from the abstract of the votes constituting the canvass of the Salt Lake City Municipal Election** held November 8, 2005 for Council Members of Council Districts 1, 3, 5 and 7.

Councilmember Saxton moved and Councilmember Christensen seconded to **recess as the City Council and convene with the Mayor as the Board of Canvassers**, which motion carried, all members present voted aye.

Councilmember Buhler moved and Councilmember Saxton seconded to **adopt the canvass as presented to the Council by the City Recorder**, which motion carried, all members present voted aye.

Councilmember Saxton moved and Councilmember Jergensen seconded to **adjourn as the Board of Canvassers and reconvene as the City Council**, which motion carried, all members present voted aye.

(U 05-2)

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#2. RE: Adopting an ordinance confirming the modified and equalized assessment rolls and levying an assessment against certain properties in the **Salt Lake City, Rose Park Special Improvement District (the "District")**, for the purpose of paying the costs of installing decorative street lighting poles, and removing existing wooden street lighting poles; and other miscellaneous work which is necessary to complete the above improvements (collectively, the "Improvements"); establishing the effective date of the ordinance; and related matters.

Councilmember Christensen moved and Councilmember Jergensen seconded to adopt **Ordinance 75 of 2005 confirming the modified and equalized assessment rolls and levying an assessment against certain properties in the Salt Lake City, Utah Rose Park Special Improvement District for the purpose of paying the costs of installing decorative street lighting poles and removing existing wooden street lighting poles; and other miscellaneous work which is necessary to complete the improvements; establishing the effective date of this ordinance, and related matters.**

Councilmember Christensen said this project had been well received. He said both the City's and the residents' investments would be returned through the years.

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

(Q 04-3)

#3. RE: Authorizing the approval of an interlocal agreement between Metropolitan Water District of Salt Lake and Sandy, Salt Lake City Corporation and Sandy City regarding **the acquisition of new water sources from the Utah Lake System (ULS).**

Councilmember Jergensen moved and Councilmember Buhler seconded to adopt **Resolution 64 of 2005**, which motion carried, all members present voted aye.

(C 05-763)

#4. RE: Adopting a franchise ordinance with **Qwest Broadband Services, Inc.**

Not discussed.

(O 05-29)

CONSENT AGENDA

Councilmember Buhler moved and Councilmember Saxton seconded to approve the **Consent Agenda with the exception of Items 1, 6, 7 and 8,**

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which motion carried, all members present voted aye.

#1. RE: Setting the date of **December 6, 2005 at 7:00 p.m.** to accept public comment and consider adopting an **ordinance adopting the Solid Waste Management Facility budget**, as prepared and submitted by the Salt Lake Valley Solid Waste Management Council for calendar year 2006, subject to specific policy directives.
(B 05-6)

#2. RE: Setting the date of **December 6, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending Section 18.20.090, Salt Lake City Code, pertaining to **penalties for starting work without a permit** and amending Chapter 21A of the Salt Lake City Zoning Code pursuant to Petition No. 400-05-25.
(O 05-16)

#3. RE: Setting the date of **December 8, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending Section 12.56.440 of the Salt Lake City Code relating to **stopping or parking prohibited in certain areas. (Mailboxes)**
(O 05-28)

#4. RE: Setting the date of **December 13, 2005 at 7:00 p.m.** to accept public comment and consider adopting a resolution **adopting the Capital Improvement Program allocations for fiscal year 2005-06 and Impact Fees.**
(B 05-1)

#5. RE: Setting the date of **December 13, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending **the Sugar House Community Zoning Map and Master Plan**, rezoning properties generally located in the Sugar House area, and making other amendments of the Salt Lake City Zoning Code pursuant to Petition Nos. 400-01-32 and 400-02-08.
(P 03-12)

#6. RE: Setting the date of **December 8, 2005 at 7:00 p.m.** to accept public comment and consider adopting the **Housing Policy Statements.**
(R 05-18)

#7. RE: Setting the date of **December 13, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending and enacting specified Sections of Chapters 5.71, 5.72 and 16.60 of the Salt Lake City Code, pertaining to **ground transportation.**
(O 05-2)

#8. RE: Setting the date of **December 13, 2005 at 7:00 p.m.** to accept public comment and consider adopting a resolution **regarding taxicab service in Salt Lake City that gives the City Council notice of its**

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intent to change the taxicab regulatory system within Salt Lake City from a certificate of public convenience and necessity to a contract form of regulation.

(O 05-2)

#9. RE: Approving the appointment of **Bill Nighswonger** to the **Housing Advisory and Appeals Board** for a term extending through December 31, 2008.

(I 05-6)

#10. RE: Approving the appointment of **Robert Earl Forbis** to the **Planning Commission** for a term extending through July 1, 2006.

(I 05-20)

The meeting adjourned at 7:42 p.m.

Council Chair

Chief Deputy City Recorder

bj