

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JANUARY 4, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, January 4, 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
Dale Lambert

Van Turner
Eric Jergensen

Nancy Saxton
Dave Buhler

Mayor Ross C. "Rocky" Anderson; Gary Mumford, Executive Council Deputy Director; Edwin Rutan, City Attorney; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Love presided at and conducted the meeting.

#1. The Council led the Pledge of Allegiance.

#2. Councilmember Turner moved and Councilmember Christensen seconded to approve the **minutes** of the Salt Lake City Council meeting held **December 7, 2004**, which motion carried, all members voted aye.

(M 04-3)

Councilmember Lambert thanked Councilmember Love on behalf of the Council for her dedicated service as the Council Chair and presented her with a memento.

PUBLIC HEARINGS

#1. RE: Accept public comment and consider adopting an ordinance rezoning the property located at 63 West Fayette Avenue from **Commercial Corridor (CC)** to **Residential Mixed Use (RMU)**, and amending the **Central Community Master Plan** pursuant to Petition No. 400-04-04. (**Jefferson School Apartments**)

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

Councilmember Saxton moved and Councilmember Jergensen seconded to **adopt Ordinance 1 of 2005**, which motion carried, all members voted aye.

(P 04-34)

#2. RE: Accept public comment and consider adopting an ordinance **amending** Salt Lake City **Ordinance 63 of 2004** which approved, ratified and finalized the **budget** of Salt Lake City, Utah, for the fiscal year beginning July 1, 2004 and ending June 30, 2005. (**Budget Amendment No. 4**)

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

Councilmember Christensen moved and Councilmember Turner

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seconded to adopt Ordinance 2 of 2005 amending the fiscal year 2004-2005 budget as proposed by the Administration with the exception of Initiative 6 relating to the grant from the Utah Department of Transportation (UDOT) for street improvements (North Temple viaduct at 600 West) and Initiative 29 relating to the Transportation Downtown Master Plan, which motion carried, all members voted aye.
(B 04-15)

COMMENTS TO THE CITY COUNCIL

Douglas Cotant spoke about being prepared for emergency situations.

Allen Sanderson spoke in favor of funding a lobbyist to promote photo radar legislation.

UNFINISHED BUSINESS

#1. RE: Adopting a motion ratifying the election of Chairperson and Vice-Chairperson of the Salt Lake City Council for the calendar year 2005.

Councilmember Christensen moved and Councilmember Buhler seconded to adopt the motion ratifying Dale Lambert as Chairperson and Nancy Saxton as Vice-Chairperson for the City Council for the calendar year 2005, which motion carried, all members voted aye.

#2. RE: Adopting a resolution authorizing Salt Lake City to accept the Salt Lake City Rotary Foundation donation.

(Ottinger Hall)

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

#3. RE: Adopting a resolution declaring the intention of the City Council of Salt Lake City, Salt Lake County, Utah, to construct improvements within the City consisting of the installation of concrete sidewalks, sidewalk access ramps, driveways, roadway pavement, curb, gutter, street lighting, traffic signals, and landscaping and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; to create the Salt Lake City, Utah 900 South, Main Street to 900 West, street improvements Special Improvement District No. 102004 (The "District"); 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.

Councilmember Christensen moved and Councilmember Saxton seconded to adopt Resolution 2 of

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2005 and set the date of February 8, 2005 at 7:00 p.m. for a public hearing, which motion carried, all members voted aye.

(Q 05-1)

CONSENT AGENDA

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

#1. RE: Approving the appointment of **Michael Martinez** to the **Golf Enterprise Fund Advisory Board** for a term extending through July 21, 2008.
(I 05-1)

#2. RE: Requesting that the Administration **not** hold a hearing regarding a lease agreement for the **encroachment of the canopy along the front of the building at 863 East 700 South**. Canopy was pre-existing the new ownership of the building.
(W 05-4)

The meeting adjourned at 7:16 p.m.

Council Chair

Chief Deputy City Recorder

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PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, DECEMBER 14, 2004

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, December 14, 2004, at 7:11 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen
Nancy Saxton
Dale Lambert

Van Turner
Jill Remington Love
Eric Jergensen
Dave Buhler

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

Councilmember Love presided at and conducted the meeting.

#1. The Council led the Pledge of Allegiance.

PUBLIC HEARINGS

#1. RE: Accept public comment and consider adopting an ordinance adopting the **Solid Waste Management Facility budget**, which has been prepared and submitted by the Salt Lake Valley Solid Waste Management Council for calendar year 2005, subject to specific policy directives.

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

Councilmember Christensen moved and Councilmember Turner seconded to adopt **Ordinance 91 of 2004**, which motion carried, all members voted aye.
(B 04-4)

#2. RE: Accept public comment and consider adopting an ordinance **rezoning the properties located at 1029 and 1031 South**

West Temple Street from commercial corridor (CC) to Residential Mixed Use (RMU), and amending the Central Community Master Plan. Pursuant to Petition No. 400-04-04. (**Jefferson School Apartments**)

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

Councilmember Jergensen moved and Councilmember Saxton seconded to adopt **Ordinance 90 of 2004**, and **defer action to rezone property located 63 West Fayette Avenue to a public hearing on January 4, 2004** which motion carried, all members voted aye.
(P 04-34)

#3 RE: Accept public comment regarding a request by **North Salt Lake City** for a **voluntary boundary adjustment and consider adopting a resolution.** The requested action seeks to remove 80 acres from Salt Lake City's municipal boundary and extend the

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municipal boundary of North Salt Lake to include the 80 acres. Pursuant to Petition No. 400-04-11.

The following spoke or submitted written comments in opposition to the request: Ralph Becker, Cindy Cromer, Rick Reese, Dennis Guy-Sell, Kurt Gee, Marjorie Chan, James Cooper, Beverly Cooper, James Webster, Michael Budig, John Bowman, Chuck Bohn, Robyn Gross, Jacquie Wood, Willie Littig, Philip Emmi, Peter Von Sivers, Georg Stuttenberger, Christian Fonnesbeck, Aaron Evans, Mark Clemens, Helen Peters, Katherine Gardner, Juan Arec-Larreta, Walter Plumb, and Joe Hansen, Shane Dwain Smith, Jim Byrne, Richard Stone, Sharyl Smith, Martin McGregor, Sandra Castagno, Penny Archibald-Stone, Jason Merrill, Lawrence Swanson and Nathan Darnall.

The following spoke in support of the request: Lynn Ballard, Kay Briggs, Conrad Jacobson, Bryan Morley, James Brian Muir, Bob Fisher, Wilford Cannon, and Bill Wright

The following spoke regarding the request: Dick Hunter, property owner.

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

Councilmember Christensen moved and Councilmember Turner seconded to **adopt a resolution**

expressing the intent of the Council to agree to a boundary adjustment with North Salt Lake City, with the exception of the southern most 25-acres (approximately).

Councilmember Christensen further moved that the Council request a conservation easement be provided for a part of any development agreement between North Salt Lake City and Salt Lake City. He said the conservation easement would be applied to the approximate 47-acres of open space trails, wet lands and the 23-acres for cemetery use identified in the North Salt Lake City proposed development plan, more specifically described below:

- 23 acres identified for cemetery use including any buildings or support facilities.
- All foothill preservation areas.
- All trail alignments including the Bonneville Shoreline trail.
- All other areas not specifically identified for housing development.

In addition the conservation easements would include at a minimum provisions for pedestrian access, a requirement for properties in the foothill protection area being maintained in a natural state and a

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requirement that any future changes to the terms of the easement be agreed upon by both cities, which motion failed, Council Members Christensen and Turner voted aye and Council Members Saxton, Love, Jergensen, Buhler and Lambert voted nay.

Councilmember Christensen said the issue was difficult. He said he was not convinced the preservation vision would truly take place or if the vision was sustainable. He said he was looking for balance and the ability to set forth in perpetuity the issues of greatest concern.

Councilmember Turner said the Mayor and City Council of North Salt Lake could address the public's issues and desires. He said he felt that North Salt Lake needed a cemetery. He said protection of wet lands and water sources could be done.

Councilmember Lambert said he appreciated the compromise proposal and wanted everyone to work toward a solution. He said he wanted to stop the ever expanding encroachment on the foothills of Davis County. He said the open space zone was a great benefit to the residents of North Salt Lake, Davis County and Salt Lake City. He said he did not want to change the character of the land. He challenged open space advocates to purchase the lands in question.

Mr. Fluhart said Mayor Anderson's recommendation was to deny the disconnect petition. He said he took exception to North

Salt Lake's statement that Salt Lake City could not provide services to the area. He said for a long time Salt Lake City had provided the important services of open space. He said Salt Lake City had insured that the land was maintained as open space for everyone to enjoy.

Mr. Fluhart said Salt Lake City was pursuing funding to acquire the property from North Salt Lake. He said North Salt Lake was not interested in working with Salt Lake City to provide a method and the dollars to purchase the property. He asked North Salt Lake City to partner with Salt Lake City in raising funds for the purchase of the property.

Councilmember Jergensen moved and Councilmember Saxton seconded to **deny the petition for a voluntary boundary adjustment between North Salt Lake City and Salt Lake City**, which motion carried, all Council Members voted aye, except Council Members Christensen and Turner who voted nay.

Councilmember Jergensen said he did not consider the hearing a vote against North Salt Lake City or Davis County. He said it was a difference in interpretation of what should happen to a certain piece of property. He said the vote was about valuing open space or changing a significant element of the foothills forever. He said a collaborative effort by both cities could be made.

Councilmember Saxton said there was intrinsic value in open

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space land. She said in 1997 North Salt Lake and Salt Lake City had been allies in the discussion and desire to preserve the area. She said said open space brought more to a community than developing it. She said leaving something for those who would come after us was important.

Councilmember Buhler said open space was a value to the community and residents had voted by a 70% margin to raise property taxes to purchase open space. He said North Salt Lake City had the right to file a petition to disconnect. He said it was important to note that under the current open space zoning, North Salt Lake City could legally build a cemetery which could change the character of the land. He said he hoped an agreement could be reached.

Councilmember Love said the property was one of the most valuable pieces of open space left in the City.

P 04-32

COMMENTS TO THE CITY COUNCIL

Bob Fisher commented regarding a rally of kids who were sluffing school in front of the City and County Building. He said they did not have a permit.

Juan Arec-Larreta commented regarding the change in traffic on Beck Street by adding a new lane.

UNFINISHED BUSINESS

#1. RE: Amending Section 5.72.457, Salt Lake City Code pertaining to annual review of taxicab maximum rates.

Councilmember Christensen moved and Councilmember Buhler seconded to **reconsider the item**, which motion carried, all members voted aye.

Councilmember Christensen moved and Councilmember Jergensen seconded to adopt **Ordinance 92 of 2004** with the wording changes suggested by staff, which motion carried, all members voted aye.
(O 04-23)

#2. RE: a. Adopting an ordinance repealing **Chapter 2.70, of the Salt Lake City Code**, relating to the **Youth City Government Advisory Board**.

b. Adopting an ordinance repealing and reenacting **Chapter 2.37, Salt Lake City Code**, relating to the **Youth and Family Recreation and Programs Advisory Board**.

Councilmember Jergensen moved and Councilmember Turner seconded to **adopt Ordinances 93 and 94 of 2004**, which motion carried, all members voted aye.

Councilmember Saxton said she had concerns about shifting the policy for youth programs as being a designated area, and continuing with budget issues.
(O 04-29)

#3. RE: Adopting a motion to **reconsider a request** by Mr. Jack Plumb to **amend the Avenues**

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Community Master Plan and rezone property located at 518 East 3rd Avenue from residential multifamily (REF-35) to neighborhood commercial (CN). (Jack Plumb) Pursuant to Petition No. 400-04-02. (Jack Plumb)

Councilmember Jergensen moved and Councilmember Buhler seconded to reconsider the motion, which motion carried, all members voted aye.

Councilmember Jergensen moved and Councilmember Turner seconded to table Petition 400-04-02 to a future Council meeting, which motion carried, all members voted aye.

Councilmember Jergensen said the concern was that Mr. Plumb had already gone through the City process for zoning. He said he expected Mr. Plumb to re-apply for zoning and he saw no reason for him to go through the whole process again.
(P 04-29)

#4. RE: Adopting a resolution approving the appointment of Sydney Jayne Magid, Part-time Justice Court Judge, for a term extending through January 2008.

Councilmember Turner moved and Councilmember Jergensen seconded to, approve the appointment and adopt Resolution 68 of 2004, which motion carried, all members voted aye.
(I 04-29)

#5. RE: Adopting a resolution approving the

appointment of L. G. (Buz) Cutler as a Part-time Justice Court Judge for a term extending through January 2008.

Councilmember Lambert moved and Councilmember Saxton seconded to, approve Resolution 68 of 2004, with the condition that Mr. Cutler continue to serve as part-time judge until a full-time vacancy occurs, which motion carried, all members voted aye.
(I 04-29)

CONSENT AGENDA

Councilmember Jergensen moved and Councilmember Saxton seconded to adopt the consent agenda, excluding Item G-3, which motion carried, all members voted aye. See Item G-3 for motion.

#1. RE: Requesting that the Administration not hold a hearing regarding a lease agreement for the encroachment of balconies, two stairs with handrails, and landscaping improvements located on the 500 South side of Library Square Condominiums.
(W 04-4)

#2. RE: Requesting that the Administration not hold a hearing regarding a lease agreement with the new owner of an existing building at 324 South State Street. The owner is constructing a parking structure to the rear of the building, and will install a sand trap under the sidewalk to prevent grease, oils and contaminants from getting in the storm drain system.
(W 04-4)

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(W 04-4)

#3. RE: Requesting the Administration hold a hearing regarding an **easement to facilitate the extension of a secondary gas line to be installed, and allow the City to provide for future utility needs within Liberty Park.** Lease is consistent with City policy and compensation will be tendered.

Councilmember Christensen moved and Councilmember Jergensen seconded to **request a hearing,** which motion carried, all members voted aye.

Councilmember Love said there had been concern by neighbors surrounding the tennis court regarding the gas line. She said this would give them a chance to speak about concerns. Ms. Gust-Jenson said the lease proposal should have come to the Council before being executed as required by ordinance. She said in this case it did not come to Council in advance. She said the gas line had been installed and residents felt frustration with the City over this.
(W 04-4)

#4. RE: Requesting that the Administration not hold a hearing regarding a lease agreement for the **encroachment of an advertising sign which extends over the public sidewalk by approximately six feet.** The sign existed prior to 1984 zoning changes that would forbid such signs. However, it was damaged by a storm, and the permits counter has reviewed the condition of repair.

#5. RE: Requesting that the Administration not hold a hearing regarding a lease agreement for the **encroachment of an ingress/egress ramp to comply with ADA requirements.** The ramp will project into the public way on the 400 South side of the building, but will not impede pedestrian access.

(W 04-4)

#6. RE: Setting the date of **January 4, 2004 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending Salt Lake City Ordinance 63 of 2004 which **approved, ratified and finalized the budget of Salt Lake City, Utah,** for the fiscal year beginning July 1, 2004 and ending June 30, 2005. (Budget Amendment No. 4)
(B 04-15)

#7. RE: Setting the date of **January 4, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **rezoning the properties located at 63 West Fayette Avenue from Commercial Corridor (CC) to Residential Mixed Use (RMU), and amending the Central Community Master Plan, Pursuant to Petition No. 400-04-04.** (Jefferson School Apartments)
(P 04-34)

#8. RE: Adopting a motion authorizing the **Council Chair to sign a contract with Tennessee Transportation and Logistics Foundation (TTLF) for certain ground transportation consulting**

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services.

(C 04-791)

The meeting adjourned at
9:06 p.m.

Council Chair

Chief Deputy City Recorder

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