

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, APRIL 14, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Thursday, April 14 2005, at 7:00 p.m. in Room 325, City Council Offices, 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; Ed Rutan, City Attorney; and Chris Meeker, Deputy City Recorder; were present.

Councilmember Lambert presided at conducted the meeting.

UNFINISHED BUSINESS

#1. RE: Adopting a resolution authorizing Ross C. Anderson, Mayor of Salt Lake City, to sign an interlocal cooperation agreement with Salt Lake County regarding Salt Palace Convention Center Funding.

Councilmember Buhler moved and Councilmember Jergensen seconded to **adopt Resolution 22 of 2005**, which motion carried, all members voted aye.

The meeting adjourned at 8:31 p.m.

Council Chair

Chief Deputy City Recorder

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TUESDAY, APRIL 19, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, April 19, 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	Nancy Saxton
Jill Remington Love	Eric Jergensen	Dave Buhler
Dale Lambert		

Mayor Ross C. "Rocky" Anderson; Cindy Gust-Jenson, Executive Council Director; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Lambert presided at and Councilmember Turner conducted the meeting.

#1. The Council led the Pledge of Allegiance.

#2. Youth City Government presented the Youth State of the City report. **Michael Cartier**, University of Utah; **Tess Wise**, West High School; **Suneeti Agrawal**, Highland High School, **Joseph Burg**, West High School, and **Erik Burg**, Judge Memorial High School, presented the report. (See file M 05-1 for report)

#3. Councilmember Christensen moved and Councilmember Saxton seconded to **approve the minutes** of the Salt Lake City Council meeting held **April 12, 2005**, which motion carried, all members voted aye. (M 05-3)

PUBLIC HEARINGS

#1. **RE:** Accept public comment and consider adopting an ordinance closing and abandoning a portion of **California Avenue between 300 West and the UTA/TRAX**

right-of-way at 200 West, Washington Street between California Avenue and 1400 South and the alley located between 1300 South and California Avenue (adjacent and west of the UTA/TRAX right-of-way (200 West) pursuant to Petition No. 400-04-09.

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

The public hearing was reopened to accept comment from **Sam Granato** who spoke in favor of the proposal.

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

Councilmember Love moved and Councilmember Lambert seconded to **adopt Ordinance 14 of 2005**.

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Councilmember Christensen said he spoke with the Attorney's Office regarding a potential conflict of interest relating to his brother's employment with Lowe's. He said the Attorney's Office said the situation did not create a legal conflict and Councilmember Christensen could participate in the formal vote. He said he felt the proposal would make a positive change for the City and neighborhood and he would vote in favor of the proposal.

Councilmember Love said the proposal was in her district and would be a good addition to the City. She said the area being utilized by Lowe's was zoned for large retail and she would support the proposal.

Councilmember Saxton said she agreed Lowe's would be a good addition and would increase activity along 300 West. She said she wanted the words "facilitate pedestrian access" contained in the proposed conveyance agreement changed to "convenient pedestrian access". She said she felt it was important to stress convenience and she hoped Lowe's would agree that it would be an advantage for them.

Councilmember Turner called for the question, which motion carried, all members voted aye.
(P 05-10)

#2. RE: Accept public comment and consider amending **Chapter 21A.38**, Salt Lake City Code, pertaining to non-conforming uses and non-complying

structures, **Section 21A.52.030**, Salt Lake City Code, pertaining to special exceptions, **Section 21A.62.040**, Salt Lake City Code, pertaining to definitions and amending the **Avenues Community Master Plan** pursuant to Petition No. 400-03-34.

The following spoke or submitted written comments on the proposed ordinance: **Cindy Cromer, Cosette Joesten, Charles Cowley, Victoria Marion, Rod Young, Elyse White, Todd Ridgeway,** and **Allyn Mahoney**. Comments included uneven property distribution, financing options, conditional use criteria, potential housing loss, lending institutions requiring rebuild letters, landscape buffers, disallow chain link fence, reduce vandalism/noise, and impact on property values.

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

Councilmember Christensen moved and Councilmember Saxton seconded to **adopt Ordinance 15 of 2005 amending the zoning ordinance relating to non-conforming uses and non-complying structures to allow 100% reconstruction of structures when damaged by fire or other natural causes, without also addressing enlargement and/or intensification of use, and amending the Avenues Community Master Plan and further moved to refer the proposal for enlargement, alteration or**

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intensification of non-complying uses or non-complying structures back to the Planning Commission for additional refinement and request that the proposal be returned to the Council by July 1, 2005.

Councilmember Christensen said the motion approved the portion of the ordinance which allowed property owners to rebuild existing structures to current size and conformity. He said even though enlargement issues were addressed by the Planning staff the Council felt there were still concerns which needed to be addressed. He said he hoped the issues could be considered in July.

Councilmember Saxton said this was a difficult issue which had been debated for a long time. She said the number of non-conforming and non-complying structures varied between communities and created concerns about potential impact to residents and neighborhoods. She said she hoped neighborhood diversity would be created with different types of building structures and uses.

Councilmember Saxton said the second half of the motion regarding expanding non-conforming and non-complying structures would be more difficult to address. She said she was confident City staff would present reasonable options for the Council to consider.

Councilmember Jergensen said the Avenues Community Master Plan needed to be amended because it

did not address both replacement and enlargement aspects. He said he felt the City was headed in the right direction. He said the proposal would strengthen the community and allow neighborhoods to retain their fabric and history.

Councilmember Turner called for the question, which motion carried, all members voted aye.
(O 03-5)

#3. RE: Accept public comment regarding a request by **North Salt Lake City** to disconnect **80 acres** from Salt Lake City's municipal boundary pursuant to Petition No. 400-04-11.

The following spoke or submitted written comments on the proposed disconnect: **Kay Briggs, North Salt Lake City Mayor, Cindy Cromer, Juan Arce-Larreta, Georg Stutzenberger, Bob Fisher, Elise Ziegenbusch, Robyn Gross, Mark Clemens, Helen Peters, Lynn Ballard, North Salt Lake City Council, Steven Smoot, Cliff Porter, Joel Briscoe, Wilford Cannon, Brian Muir, North Salt Lake City Council, Larry Swanson, Sharyl Smith, and Tracie Kirkham.** Comments included open space protection, private property rights, generating revenue, proposed cemetery, land values, residential development, pedestrian/bike trails, missed opportunities, master plan and zoning issues, unique property, golf course bond, conservation easement, unobstructed views, parks, joint council discussions, no available services, property investment, trespassing,

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penalizing taxpayers, precedents, school district issues, and appropriate governing body.

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

Councilmember Lambert said the Council would make a decision on this petition within the 45-day limit provided by law.

(P 04-32)

COMMENTS TO THE CITY COUNCIL

The following spoke or submitted written comments regarding the HMG Properties/City Plaza Apartment proposal: **James Wood, Gary Smith, Keith Jensen, Kevin Keating, Chris Corroon and Bob Farrington.** Comments included rental housing needs, population demographics, high employment concentration, housing inventory, economic benefit, accommodating growth, housing policies, affordable housing, developer fees, market impact, long-term goals to increase housing stock, and loan restrictions.

Bob Fisher spoke concerning the City's policy regarding non-profit organizations helping citizens obtain government information. Councilmember Turner asked if someone would follow-up with Mr. Fisher about this issue.

UNFINISHED BUSINESS

#1. RE: Adopting a resolution authorizing a loan

from the Salt Lake City's Housing Trust Fund to **HMG Properties, LLC** the **City Plaza Apartment**.

Councilmember Saxton moved and Councilmember Buhler seconded to **deny the loan request**.

Councilmember Saxton said the Housing Trust Fund (HTF) policy generally limited loans to approximately \$300,000. She said there were limited funds and this request was approximately three times the normal amount. She said she was concerned about the \$800,000 the developer was taking out as a developer fee and potential vacancies because the project was 60% of average median income (AMI).

Councilmember Saxton said she understood 60% of AMI was the most difficult market because of direct competition with existing at-market properties. She said the vacancy rate for the project area was upwards of 8%. She said she was concerned about subsidizing for-profit developers who were in direct competition with existing non-profit entities who were trying to provide lower housing levels. She said if the Council chose to approve the proposal, the \$850,000 request needed to be reduced to the standard amount of \$300,000.

Councilmember Saxton said the loan should be tied to the developer's ability to rent the properties which would encourage them to keep the developer fee in the project until the units were rented. She said the developer needed to be required to hold the property for the length of the

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loan which was 15 years.

Councilmember Buhler said he felt this was a good project but he had some concerns. He said he agreed the loan was almost triple the normal amount. He said the trust fund had limited resources and consideration was needed on how resources could best be used to better the City. He said the Council had a long standing policy to not loan money on projects with income limitations as this project had. He said he would support the motion because he was not comfortable going against that policy and the large amount of the loan.

Councilmember Love said this was a difficult issue but she would oppose the motion. She said she agreed the proposal went against the housing policy and was inconsistent with previous loans but many experts said the downtown area needed more housing. She said thousands of units were needed and she felt this proposal filled mid-level housing needs. She said this was a large loan but the City would gain a large number of units which were not available from past projects.

Councilmember Christensen said he agreed with Councilmember Love. He said the group consisting of 60% of AMI was missing from the City's core downtown area and needed to be solicited. He said he respected non-profit housing providers but he was not prepared to exclude for-profit housing developers from HTF. He said he felt for-profit entities played a pivotal role and taking developer fees

enabled them to reinvest in other housing projects. He said it was important for this project to be completed if the City was going to invest money.

Councilmember Jergensen said he agreed with Council Members Christensen and Love and would vote against the motion. He said when considering housing projects it was important to look at existing housing in the area. He said he believed when developers saw successful projects and the City's commitment to downtown housing they would want to participate. He said he thought the goal of thousands of units was not unreachable with the City's leadership and willingness to participate collaboratively with developers. He said he felt this proposal met a specific need and was a good start.

Councilmember Lambert said he would support the loan. He said the City had both high-end and low-end housing but lacked housing similar to what was being proposed. He said the proposed project was designed for people who earned below AMI. He said he was a proponent of more downtown housing although he had concerns about the size of the proposed design. He said this was a sizable loan but he felt HTF was committed to using their funding wisely. He said HTF supported the proposal and he had confidence in their judgment.

Councilmember Lambert said he was not concerned about the for-profit nature of the proposal because he felt more housing units needed to be built by for-profit groups where the primary

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financing was coming through tax credits. He said that was not the model the City was accustomed to but felt the City needed to learn to use this tool.

Councilmember Turner called for the question, which motion failed, all members voted nay, except Council Members Saxton and Buhler, who voted aye.

Councilmember Jergensen moved and Councilmember Christensen seconded to **adopt Resolution 20 of 2005 authorizing \$850,000 loan from the Salt Lake City Housing Trust Fund to Workforce Housing Utah I, LLC for the City Plaza Apartments project, provided the loan documents reflect the following restrictions: (1) restrict the General Partner's ability to sell its interest in the Development while the Housing Trust Fund loan remains outstanding, and (2) the developer agrees to defer receipt of at least \$850,000 of its developer fee and further moved that the loan be released after the developers provide appropriate documentation showing that construction was at least 50% complete.**

Councilmember Saxton asked if the motion contained a provision requiring the petitioner to hold the property for a specific length of time. Councilmember Jergensen said the first restriction in the motion addressed that issue. Councilmember Saxton said she wanted the Council to reconsider lowering the amount to \$300,000.

Councilmember Turner called for the question, which motion carried, all members voted, except Council Members Saxton and Buhler, who voted nay.

(R 05-4)

#2. RE: Consider adopting a resolution adopting the **Five-Year Consolidated Plan for 2005-2010**, which includes the **One-Year Action Plan for 2005-2006**, and the **Citizen Participation Plan** for Community Development Block Grant (CDBG) funding, Home Investment Partnerships Program (HOME) funding, Emergency Shelter Grant (ESG) funding, Housing Opportunities for Persons with AIDS (HOPWA) funding, and American Dream Downpayment Initiative (ADDI) funding (Fiscal Year 2005-06) and approving interlocal cooperation agreement between Salt Lake City and the **U.S. Department of Housing and Urban Development (HUD)**.

Councilmember Christensen moved and Councilmember Lambert seconded to **adopt Resolution 21 of 2005**, which motion carried, all members voted aye.

(T 05-1)

#3. RE: Setting the date of **May 3, 2005 at 7:00 p.m.** to hold a public hearing amending **Section 5.72.455**, Salt Lake City Code pertaining to **maximum taxicab rates**.

Councilmember Jergensen moved and Councilmember Saxton seconded to **set the date of May 3, 2005 for a public hearing**, which motion carried, all members voted aye.

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(O 05-2)

29, 2008.

(I 05-7)

CONSENT AGENDA

#1. RE: Setting the date of **May 10, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance rezoning the properties generally located at **238 West and 250 West 600 North** from **Residential Multi-Family (RMF-35)** to **Special Development Pattern Residential (SR-1)**, and amending the future land use map of the **Capitol Hill Master Plan** pursuant to Petition No. 400-02-42.

(P 05-12)

#2. RE: Setting the date of **May 10, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance amending **Section 21A.42.070 (E)**, Salt Lake City Code, pertaining to **permitted temporary uses** pursuant to Petition No. 400-04-18.

(O 05-3)

#3. RE: Approving the appointment of **Maged Senbel** to the **Open Space Lands Advisory Board** for a term extending through March 1, 2008.

(I 05-13)

#4. RE: Approving the appointment of **John E. Norman** to the **Open Space Lands Advisory Board** for a term extending through March 1, 2007.

(I 05-13)

#5. RE: Approving the appointment of **Sue Stahle** to the **Business Advisory Board** for a term extending through December

#6. RE: Approving the appointment of **Daniel Glenn May** to the **Police Civilian Review Board** for a term extending through September 5, 2005.

(I 05-14)

#7. RE: Approving the appointment of **Patti Esham** to the **Police Civilian Review Board** for a term extending through September 5, 2005.

(I 05-14)

#8. RE: Approving the appointment of **David Richardson** to the **Board of Appeals and Examiners** for a term extending through March 1, 2010.

(I 05-15)

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

The meeting adjourned at 8:59 p.m.

Council Chair

Chief Deputy City Recorder

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