

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, DECEMBER 6, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, December 6, 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
Dale Lambert	Eric Jergensen	Dave Buhler
Jill Remington Love		

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

Councilmember Lambert presided at and conducted the meeting.

**#1.** The Council led the Pledge of Allegiance.

**#2.** The Council will approve the **minutes** of Council meetings held **November 1, 15 and 17, 2005**. Councilmember Lambert said there was a problem regarding the minutes. He said they would be deferred to a later date.

(M 05-3)

**#2.** The Board of Canvassers will approve **minutes** of the meetings held **November 15, 2005 at 12:15 and 7:00 p.m.** Ms. Gust-Jenson said these minutes also needed to be deferred.

(M 05-3)

**PUBLIC HEARINGS**

**#1. RE:** Accept public comment and consider adopting an ordinance amending **Section 18.20.090** of the 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.

The following spoke or submitted written comments in favor of the proposal: **David Richardson, Jim Jenkin, Marvin Mower, Margaret Miller, Cathey Dunn, Roger Julien, Kimberly Pilger, Beth Bowman, Jill Van Langeveld, Ervin Horrocks, Kelly Stevens, Bob Greely, Emily Plewe, Vicki Mickelsen, Kent Alderman, Lon Richardson, Peter Hansen, Bee Lufkin, Cindy Cromer, Lester Aoki, Rex Sears, Earl Miller, Philip Blevins, Esther Hunter, Penny Archibald-Stone, Shane Carlson, Dennis Guy-Sell, Dawn Levingston, Kirk Huffaker, Katherine Kivett, Judi Short, Chris Johnson, Scott Williams, Tom Mutter, Alex Steckel, Peter Bailey, Jeff Coursey, Jennifer Fortin, Matthew Knotts, Rob Gilliland, Ian Willard, Loggins Merrill, Jennifer Horne, Karen McCreary, William Petrick, Peter Hasby, Richard Stone, Liza Julien, Joan Andrews, Judy McCorvey, Leslie Randolph, Katie Pappas, Janet Hough, Pam Woodmansee, Marian Florence and Maren Jeppsen.** Comments included simplifying the permitting process, building heights,

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funding mechanisms, applicant costs, community damage, bring ordinance inline with community standards, fair treatment, exemptions, neighborhood notification prior to approval and construction, consistency, tax credits, neighborhood protection, teardowns, compatible infill policies, preserve community character, immediate action, no sunset provision, monster homes, resident needs, first line option, infill overlay, survey surrounding properties, two-story structures, negative impacts, residential zoning, historic districts and contributing structures.

Additional comments included non-conforming uses, vulnerable neighborhoods, misrepresentation, privacy, blocked views, no sunlight, diminished property values, quality of life issues, remodels, footprint guideline, preservation, unscrupulous builders, out-of-scale buildings, balance, acceptable resolution, City-wide adoption, national register districts, policy issues, retain demolition requirements, enforcement, over-the-counter permits, property owner recourse, three-tier approval process, continue to improve ordinance, median height, establish uniform review process, incompatible construction and addressing permit violations.

The following spoke or submitted written comments in opposition of the proposal: **Raider Huck, Brian Jessop, Mark Cook, David Rose, Robert Hansen, Tai Biesinger, Andrew Scrivner, Ian Carpenter, Clint Johnson,**

**Phillip Winston, Kathryn Lichfield, Bob Plumb, Janice Tolhurst, Alec McGinn, Kristin McGinn, Don Edwards, Julie Mathews, Jeff Walker, Michael Bradley, Tracey Wake, Allison Leishman, Greg Ross and Russell Banz.** Comments included objective standards, inability to upgrade, protecting property rights, residents moving away from the City, numerous restrictions, inability to improve home/property, height restrictions, open space requirements, special exceptions, broad application, address individual community needs, high density housing, setbacks, large development restrictions, purchase with intent to expand, blocked views, commercial projects, extreme nature of proposal, height surveys, limiting buildable area of lot, applying standards City-wide, additional permit costs, costs for additional review processes, real estate investments, compatible homes, proposal does not solve problem, economic growth, and diminished property values.

Councilmember Buhler moved and Councilmember Saxton seconded to **close the public hearing and refer the issue to December 13, 2005.**

Councilmember Buhler said this was a difficult issue and the Council appreciated the public's input. He said there were strong feelings regarding all aspects of this issue and he hoped the Council could find a solution. He said he did not want to postpone the issue

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indefinitely but thought the Council needed another week before making a formal decision. He said the issue was scheduled for further discussion on Thursday, December 8, 2005.

Councilmember Saxton said she thought some requirements or restrictions were appropriate for certain communities and not others. She said she wanted the public to contact her with recommendations for areas in the City which needed to be included or excluded. She said she thought the core issue was how holistically the City wanted every community or was there opportunity for variation in height.

Councilmember Lambert called for the question, which motion carried, all members voted aye.  
(O 05-16)

**#2. RE: Accept public comment and consider adopting an ordinance amending the Salt Lake City Code to create Transit Oriented Zoning Districts, rezoning property along the east-west light rail corridor, and amend the Central Community Master Plan pursuant to Petition Nos. 400-01-48 and 400-01-12. (Transit Oriented Development) (TOD)**

The following spoke or submitted written comments regarding the proposal: Ron Love, Judi Short, Dennis Guy-Sell, Dawn Levingston, Cindy Cromer, Esther Hunter, Soren Simonsen, Chris Johnson, Ian Willard, Loggins Merrill and Jim

**Jenkin.** Comments included utilizing public transit, community master plans, height restrictions, Central Business District, mixed use development, residential relocation option, impact on residential properties, protect existing structures, lack of notice, proposed changes east of 700 East, private property interests, developer incentives, loopholes, business corridor, eroding residential properties, public input, exclude single-family residential areas along corridor, inappropriate suburban shopping centers, setback requirements, parking locations, pedestrian environment and 25% parking reduction.

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

Councilmember Saxton asked about the housing component associated with the TC-75 zone. **Cheri Coffey**, Planning Administration Deputy Director, said the proposed ordinance required one level of residential housing for every level of non-residential development. She said housing could be located in the same building or transferred somewhere within the corridor.

Councilmember Saxton moved and Councilmember Christensen seconded to **adopt Ordinance 76 of 2005 rezoning properties along 400 South from 200 East to approximately 925 East excluding properties on the north and south sides of 400 South from 700 East to 900 East, and further moved**

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**that the Council refer action regarding rezoning properties on the north and south sides of 400 South, from 700 to 900 East to a future Council meeting.**

Councilmember Saxton said this was a difficult issue for adjacent neighborhoods. She said development would eventually spread unless densities were increased. She said higher densities would allow properties to be utilized for future development. She said the Council was aware of viable housing located on the north and south sides of 400 South and wanted to preserve them. She said she had questions concerning widths and setbacks for sidewalks. She said she wanted to receive more public input regarding the corridor between 700 and 900 East.

Councilmember Love said she would support the motion even though she originally wanted to stop at 700 East. She said she was persuaded there might be opportunities to allow more height at some of the key corners located on 700 East. She said she thought the City could work with the neighborhood to address issues and explore opportunities. She said she did not want the public to be concerned that historic sites were in jeopardy. She said the Council was sensitive to those issues but felt there were opportunities which needed to be explored.

Councilmember Christensen said he originally supported the 300 South TRAX alignment because he felt it was more accessible to

neighborhoods. He said there were challenges on 400 South but in order for it to be a true transit oriented corridor there needed to be some densities. He said even though final changes to the proposal were completed last week, a lot of time, review and input had gone into the recommendation. He said he was comfortable adopting the proposal because he saw how successful TOD was in other cities. He said he felt in the next ten years there would be limited opportunities due to the number of retail stores recently built along the corridor. He said he hoped the City would be able to take advantage of the assets the University brought to the community through its link to downtown. He said property along the corridor was valuable because he did not see development encroaching further into adjacent neighborhoods. He said he hoped the proposal would be successful and provide both residential and office uses along the corridor.

Councilmember Lambert said the Council originally discussed moving from 50-feet to 75-feet. He said discussion was now being held which would allow 125-feet. He said he felt taller buildings needed to be concentrated in the Central Business District and asked about the change. Councilmember Christensen said 125-foot structures had to go through a conditional use process which had always been required. He said City consultants recommended that building heights needed to be focused toward intersections, particularly where transit stops were located. He said he thought more height would

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make sense at intersections but not at mid-block locations.

Ms. Coffey said a lot of east downtown neighborhoods were zoned RMU which contained the 75-foot height requirement with a conditional use process up to 125-feet. She said when the ordinance was originally drafted the planning staff did not think the transit corridor zone should have a lower height requirement than properties located just to the north.

Councilmember Lambert called for the question, which motion carried, all members voted aye.  
(P 02-14)

**#3. RE:** Accept public comment and consider adopting an ordinance amending the **Gateway Master Plan** and **declaring property** purchased for transportation purposes **no longer needed** for that purpose pursuant to Petition No. 400-05-21.

**Jake Boyer**, Boyer Company, said based on the compromise reached between the Boyer Company, Utah Power, Transportation and others, he wanted the Council to make a motion to uphold the masterplan and recommend that the property be sold. He said the Boyer Company would work with the Administration on remaining issues.

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

Councilmember Turner moved and Councilmember Jergensen seconded to **approve the compromise on this property and uphold the existing masterplan and sell the property to the Boyer Company.**

Councilmember Turner said the property was originally in his district and he felt a grocery store was needed in that area. He said density was an issue in the past but with new housing and other development the situation had changed. He said the store would be located on a transit corridor and would be a good fit. He said he thought the neighborhood would benefit from the development and supported the proposal.

Councilmember Christensen said he wanted to make a friendly amendment to the motion. He said he felt an agreement was needed between the City and Utah Power and Light which gave the City the ability to purchase property owned by Utah Power and Light. He said a large part of the compromise on this proposal involved a portion of their property. He said he felt the parties involved would act in good faith but current Council Members might not be around when the deal came to fruition.

Councilmember Saxton said she was in favor of upholding the masterplan but wanted to caution that even though there were rumors about a grocery store, the City did not have a formal proposal from the Boyer Company. She said a grocery store was needed in that area but she did

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not think this location was equitable. She said she did not want to sell property to developers which could be used for at-grade parking. She said she felt the City had moved past at-grade parking in this part of the City and would vote against the motion.

Councilmember Buhler said he understood this had to go back to the Planning Commission as a Planned Unit Development and they would have an opportunity to address the issues raised by Councilmember Saxton.

Councilmember Lambert called for the question, which motion carried, all members voted aye, except Councilmember Saxton, who voted nay.

(P 05-22)

UNFINISHED BUSINESS

**#1. RE: Adopting an ordinance enacting Section 12.56.205, of the Salt Lake City Code, pertaining to free metered parking for alternative fuel, fuel efficient and low polluting vehicles.**

Councilmember Jergensen moved and Councilmember Turner seconded to **adopt Ordinance 82 of 2005.**

Councilmember Christensen asked if this was limited to cars or could commercial vehicles also qualify. **Dan Bergenthal**, Transportation Engineer, said commercial vehicles were included. He said commercial vehicles were large contributors to air pollution in downtown and

he felt it made sense to include them in the proposal.

Councilmember Christensen said even though the City wanted to encourage fleets to shift to fuel efficient vehicles, he felt many of them would change because it was economically viable. He said he was concerned these entities would receive free parking over other businesses which were licensed by the City. He said he had some fundamental issues with the proposal and would vote against the motion.

Councilmember Saxton said she felt the City was doing the right thing by encouraging and rewarding people who drove vehicles which improved the environment. She said she had some apprehension that the proposal was exclusive to a certain stratum which could afford those vehicles but felt the City needed to do whatever it could to encourage change. She said awareness of fuel efficiency and environmental concerns needed to be paramount to everyone. She said as policy makers she felt the City was moving in the right direction and would vote in favor of the motion.

Councilmember Love asked Councilmember Turner for an explanation of his concerns regarding the proposal. Councilmember Turner said he was concerned business owners could use their cars or trucks as commercial vehicles to make free deliveries throughout downtown. He said the ordinance would allow business owners to conduct business in the downtown area indefinitely using free unlimited

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parking. He said he envisioned meters being used to encourage retail by being available to the public and not for commercial use.

Councilmember Jergensen said he did not think the purpose of the ordinance was to provide incentives for business activity. He said he felt the purpose of the proposal was to say the City felt it was important to reduce emissions and encourage the purchase of fuel efficient vehicles. He said the incentive was to allow private or commercial vehicle owners to park free in downtown. He said he felt the ordinance supported the City's policy to reduce emissions and he urged the Council to support the proposal.

Councilmember Christensen asked if the ordinance contained a sunset provision. Ms. Gust-Jenson said no. Councilmember Christensen said he did not think the proposal was overbearing or that a lot of people would rush to buy hybrid cars but at some point it would be difficult for a future Council to repeal the ordinance.

Councilmember Lambert called for the question, which motion carried, all members voted aye, except Council Members Turner and Christensen, who voted nay.  
(O 05-31)

**#2. RE:** Adopting a resolution relating to **Open Space Funding**.

Councilmember Love moved and Councilmember Jergensen seconded

to **adopt Resolution 65 of 2005**, which motion carried, all members voted aye, except Councilmember Turner, who voted nay.  
(O 05-22)

CONSENT AGENDA

**#1. RE:** Requesting that the Administration **not** hold a hearing at 5:00 p.m. on December 13, 2005 regarding an **exchange** of an **Indenture Easement** for fee title to locations of Public Utilities equipment at **3931 East Big Cottonwood Road**. This will be a value-for-value exchange.  
(W 05-4)

**#2. RE:** Requesting that the Administration **not** hold a hearing at 5:00 p.m. on December 13, 2005 regarding an even **exchange** of **power easements** to accommodate the reconstruction of the **Liberty Park Concession building**.  
(W 05-4)

**#3. RE:** Confirming the date of **December 13, 2005** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **rezoning** property generally located at **1435 South 1100 East** from **Single Family Residential (R-1-5000)** to **Residential Business (RB)** pursuant to Petition No. 400-05-36. (Requested by Chabad Lubavitch)  
(P 05-23)

**#4. RE:** Approving the appointment of **Candice Colby** to the **Arts Council** for a term extending through July 1, 2008.  
(I 05-21)

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#5. RE: Approving the appointment of **Michael Mack** to the **Arts Council** for a term extending through July 1, 2008.  
(I 05-21)

#6. RE: Approving the appointment of **Raymond Gunn** to the **Human Rights Commission**. As outlined in the ordinance, term ending dates will be drawn by lot to expire on a staggered basis of two, three or four years each.  
(I 05-28)

#7. RE: Correcting the expiration date for the appointment of **Robert Earl Forbis, Jr.** to the **Planning Commission** for a term extending through July 1, 2006.  
(I 05-20)

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

The meeting adjourned at 9:54 p.m.

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Council Chair

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Chief Deputy City Recorder

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THURSDAY, DECEMBER 8, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Thursday, December 8, 2005, at 7:15 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

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

The following Councilmember was absent: Carlton Christensen

Cindy Gust-Jenson, Executive Council Director; Rocky Fluhart, Deputy Mayor; Larry Spendlove, Senior City Attorney; and Chris Meeker, Deputy City Recorder were also present.

Councilmember Lambert presided at and conducted the meeting.

**#1.** The Council led the Pledge of Allegiance.

**#2.** Councilmember Turner moved and Councilmember Jergensen seconded to approve the **minutes** of the Salt Lake City Council meetings **held November 1, 15, and 17, 2005**, which motion carried, all members present voted aye.

(M 05-1)

**#3.** Councilmember Jergensen moved and Councilmember Love seconded to **recess as City Council and convene as the Board of Canvassers**, which motion carried, all members present voted aye.

Councilmember Buhler moved and Councilmember Jergensen seconded to approve the **minutes** of the Board of Canvassers meetings **held November 15, 2005 at 12:15 p.m. and 7:00 p.m.**, which motion carried, all members present voted aye.

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

PUBLIC HEARING

**#1. RE:** 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**.

Councilmember Jergensen moved and Councilmember Love seconded to **close the public hearing and refer the matter to the December 13, 2005 City Council meeting**, which motion carried, all members present voted

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aye.  
(O 05-28)

**#2. RE:** 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.

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

Councilmember Turner moved and Councilmember Jergensen seconded to adopt **Ordinance 83 of 2005**, which motion carried, all members present voted aye.  
(B 05-4)

**#3. RE:** Accept public comment and consider adopting an ordinance **amending Salt Lake City Ordinance 26 of 2005 which adopted the final budget of Salt Lake City, Utah, and Ordinance 48 of 2005 which ratified and re-adopted the final budget for fiscal year beginning July 1, 2005 and ending June 30, 2006.** (Budget amendment No. 3)

**Dave Spatafore** spoke in support of the ordinance specifically for the Sports Complex.

**Jeff Salt, Executive Director for Great Salt Lakekeeper** spoke in opposition of the ordinance specifically for the Sports Complex.

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

**Mr. Fluhart** said concern had been raised regarding the environment of the Jordan River. He said the City's intent was to build the complex complimentary to the environment because Jordan River was important to the City.

Councilmember Jergensen said the budget amendment provided for an environmental analysis.

Councilmember Love asked Mr. Fluhart if commitments had been made to the Great Salt Lakekeeper group with regard to mitigation. Mr. Fluhart said many discussions had taken place regarding environmental issues. He said the design of the facility would take into consideration environmental issues.

**Rick Graham**, Public Service Director, said many discussions had taken place regarding environmental issues. He said many

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of the environmental groups felt the complex should be located somewhere else. He said the City looked at other sites and found that to provide the best location for the greatest value, the North Rosewood Park site was the best. He said no commitment had been made to environmental groups other than the design would be sensitive to environmental impact. He said the conceptual design showed a buffer between the river corridor and the Sports Complex. He said the river corridor would be maintained as a trail system.

Councilmember Turner moved and Councilmember Saxton seconded to adopt **Ordinance 84 of 2005**, which motion carried, all members present voted aye.

**(B 05-10)**

**#4. RE: a.** 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.**

**b.** Accept public comment and consider adopting a resolution **expressing the City Council's notice of its intent to change the taxicab regulatory system within Salt Lake City from a certificate of public convenience and necessity to a contract a form of regulation.**

The following spoke in opposition to the ordinance and resolution. **Brian Johnson, William Ingram, Kuute Rife, George Eichert, Don Barron; Director of Yellow Cab, Charles Free, Slobodan Ilijic, Mark Hatch; Director of Yellow Cab, Adawe Hussein, Ken Olsen, Jim Curtis, Bruce Jackson, Irfan Ahmad, Heath Martin, Ardulamiy Al-Asadi, Daniel Siraj, Almoh Bahaji, Misitana Taele, Paul Rosander, Dave Jackson; Owner of City Cab, Scott French; representing some hotels in Salt Lake City, Don Winder, Ray Ridge, Shawky Taha, Derl McMeekin, and Vern Brown.**

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

Councilmember Buhler moved and Councilmember Saxton seconded to adopt **Resolution 66 of 2005, regarding taxicab service in Salt Lake City and Ordinance 87 of 2005** amending and enacting specified sections of **Salt Lake City Code Chapters 5.71, 5.72, and 16.60** pertaining to ground transportation with the following amendments: That the effective date of the ordinance be 30 days from the Council's action and that the first paragraph of Section **5.72** titled **Application-Fee Required** be revised to read: "At the time the application is filed, the applicant

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*shall pay to the department a fee of seventy five dollars (\$75) and further move that one year from now the fee would be increased to one hundred dollars (\$100), which motion carried, all members present voted aye except Councilmember Lambert who voted nay.*

Councilmember Buhler said there were two matters before the Council, a proposed ordinance change and a new resolution. He said the ordinance would become law and the resolution was an expression of the Council's intent. He said citizens commenting seemed to be confused about the resolution becoming law.

He said he wanted to comment on some of the citizen's comments. He said the current system was not a free market system. He said Council consultant Dr. Mundy said cities that had tried total deregulation ended up with poor service. He said there was nothing in the ordinance that required a reduction of taxi fleet. He said reduction of taxi fleet was mentioned as a goal in the resolution based on Dr. Mundy's study. He said there was nothing in the ordinance restricting the number of taxicabs at the Airport. He said the Ordinance provided the Director of Airports with the authority to regulate taxi service at the Airport. He said this would provide flexibility. He said back ground checks were required of all ground transportation drivers. He said the license fee of \$35 moving to \$75 applied to all ground transportation drivers. He said the City's estimated cost for background checks was \$172. He said what constituted a limousine was not just wheel base but other requirements including being a luxury vehicle.

Councilmember Buhler said at the request of taxicab companies, the City Council had required all ground transportation drivers to obtain a City driver's license. He said the March 1 deadline for taxicab companies to file a request for rate increase was eliminated. He said a second hearing had been authorized within the calendar year for rate increases if special circumstances occurred. He said the flag drop rate was increased to \$2. He said the minimum airport fare had been increased by \$2.

Councilmember Buhler said the proposed ordinance would eliminate the minimum amount of cab days, required ground transportation business other than taxicabs to have the name of the passenger listed on a manifest 30 minutes before picking up, allowed hotel vehicles to provide on demand service only to and from the hotel to a public terminal, required limousines to charge a passenger \$30 if the passenger requested on-demand services, made it unlawful for hotel employees to receive financial compensation for furnishing passengers or luggage to a driver of a ground transportation vehicle, and made it unlawful for dispatchers of taxicab companies to receive tips from drivers.

Councilmember Buhler said the approach was fair and balanced.

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He said the resolution addressed harnessing market forces and competition in order to improve service. He said if the Council had added more regulation which could not be enforced rates would be raised above the \$75 to pay for enforcement. Councilmember Buhler referred to Page 3 of resolution for long term goals.

Councilmember Saxton said the citizens who spoke at public hearings made a difference. She said the desire to regulate taxi cabs was due to the obligation to provide 24 hour service for all Salt Lake citizens. She said enforcement of the ordinance was necessary.

Councilmember Jergansen said the Ordinance and resolution met the Council's goal of changing the way taxicabs and other ground transportation businesses were regulated. He said they provided for better service and a better living for taxicab drivers.

Councilmember Lambert said it was clear the Council wanted to make cab driving more profitable for drivers. He said the Council also wanted to improve service. He said the disabled population was a big issue. He said he was not sure of the direction the Council was going and for that reason he would vote against the ordinance.

(O 05-2)

COMMENTS TO THE MAYOR

Councilmember Buhler wanted to give the Ground Transportation Ordinance 30 days before publishing so the administration could notify all interested parties including hotels, other ground transportation providers, etc. of the changes to the ordinance. Mr. Fluhart said that could be done.

(M 05-1)

UNFINISHED BUSINESS

**#1. RE: Adopting a resolution authorizing Salt Lake City to accept the US Department of Housing and Urban Development Economic Development Initiative Grant.**

(Related to Budget Amendment No. 3, Item C3)

Councilmember Jergensen moved and Councilmember Turner seconded to **adopt Resolution 67 of 2005**, which motion carried, all members present voted aye.

(C 05-824)

**#2. RE: Adopting a motion to reconsider the adoption of the Transit Corridor zoning, particularly the boundary of the area that was identified for additional review.**

Councilmember Love moved and Councilmember Saxton seconded to

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reconsider the **Transit Corridor zoning TC-75, particularly the boundary of the area that was identified for additional review**, which motion carried, all members present voted aye.  
(P 02-14)

**#3. RE: Reconsider adopting Ordinance 76 of 2005 amending the Salt Lake City Code to create Transit Oriented Zoning District**, rezoning property along the east-west light rail corridor and amend the Central Community Master Plan (Petition No. 400-01-48 and Petition No. 400-01-12, Transit Oriented Development)

Councilmember Love moved and Councilmember Jergensen seconded to **create a new Transit Corridor zoning district, TC-75, amending the Central Community Master Plan, rezoning properties along 400 South from 200 to 700 East, and further move that the Council refer action regarding rezoning properties on the north and south sides of 400 South east of 700 East to a future Council meeting**, which motion carried, all members present voted aye.

Councilmember Love said when Councilmember Saxton made the original motion at the City Council meeting on Tuesday December 6, 2005 a block had been left in at 925 East which should be removed for action at a future date.

Councilmember Saxton asked that the administration also look at the Salt Lake Clinic area. Ms. Coffey said the Salt Lake Clinic area would need to go through the Community Council and Planning Commission process.  
(P 02-14)

**#4. RE: Adopting a legislative action to add an honorary name of "Rosa Parks Boulevard"** to 200 East between South Temple and 600 South.

Councilmember Saxton moved and Councilmember Jergensen seconded to **add an honorary name of "Rosa Parks Boulevard"** to 200 East between South Temple and 600 South, which motion carried, all members present voted aye.  
(G 05-29)

CONSENT AGENDA

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

**#1. RE: a. Adopting Resolution 68 of 2005, authorizing Salt Lake City to accept the State of Utah, Department of Public Safety Grant.**  
(C 05-825)

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b. Adopting **Resolution 69 of 2005**, authorizing Salt Lake City to accept the State of Utah, **Department of Criminal and Juvenile Justice Grant**.

(C 05-826) (Items related to Budget Amendment No. 3, Item C3)

The meeting adjourned at 8:59 p.m.

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Council Chair

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Chief Deputy City Recorder

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TUESDAY, DECEMBER 13, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, December 13, 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; 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 HEARINGS

#1. **RE: Accept public comment and consider adopting a resolution scheduling public hearings regarding a modified Impact Fee Capital Facilities Plan and an ordinance modifying the City's Impact Fees.**

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

Councilmember Buhler moved and Councilmember Jergensen seconded to adopt **Resolution 73 of 2005 with the date of January 17, 2006 for a public hearing**, which motion carried, all members voted aye.  
(B 05-1)

#2. **RE: Accept public comment and consider adopting an ordinance rezoning property generally located at 1435 South 1100 East** from Single Family Residential (R-1-5000) to Residential Business (RB) pursuant to Petition No. 400-05-36. (Chabad Lubavitch)

**Dennis Guy-Sell** said East Central Community Council supported the rezoning.

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

Councilmember Love moved and Councilmember Turner seconded to adopt **Ordinance 88 of 2005 recommended by the Planning Commission to rezone properties located at 1435 South 1100 East from Single Family Residential (R-1-5000) to Residential Business (RB) and clarify that the rezoning would apply to both 1433 and 1435 South once the Planning Commission has**



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approved the subdivision of the properties and was fully processed and the filings recorded with the County, which motion carried, all members voted aye.

(P 05-23)

**#3. RE:** 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 to the Salt Lake City Zoning Code pursuant to Petition No. 400-01-32 and 400-02-08.

The following people submitted cards or spoke in favor of the petition: **Lynne Olson; Nancy Stark; Craig Mecham; Marc McDonald; Jack Hammond; Jim Johnson; Mark Holland; John Richards; Jerrold Green; Barbara Green; Andrew Scrivner; Kirk Huffaker; Dennis Glass and Al Dieffenbach.**

The following people spoke in opposition of the petition: **Judi Short; Derek Payne; and Søren Simonsen.**

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

Councilmember Lambert asked **Lex Traughber**, Preservation and Urban Design Planner, and **Cheri Coffey**, Deputy Director/Zoning Administration/Preservation and Urban Design/Housing and Zoning Enforcement, about issues raised by Ms. Olsen. Mr. Traughber said Ms. Olsen was concerned shadowing would occur with taller buildings over Hidden Hollow and Ballet West. He said the Business District Design Guidelines handbook specifically addressed development in terms of any shadowing affect that might occur.

Mr. Traughber said the property was owned by the Redevelopment Agency (RDA). He said the RDA preferred that the property remain zoned Sugarhouse Business District 1 to give flexibility for potential development.

Councilmember Jergensen said Mr. Huffaker was concerned about the historic nature of some areas. Mr. Traughber said the Old Post Office and the Library were landmark sites. Ms. Coffey said a survey was performed to identify contributing structures. She said historic status had been given to less than ten sites in the business district.

Councilmember Christensen asked if Design Guidelines were codified in the ordinance. Mr. Traughber said they were adopted as part of the master plan but the Planning Commission had proposed putting the guidelines in the ordinance. Councilmember Christensen asked if that would deal with setbacks. Mr. Traughber said that was correct. Ms. Coffey said everything in the Sugar House Business District zone would go

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through the conditional building site design review process. She said designs needed to meet master plan guidelines and criteria.

Councilmember Lambert moved and Councilmember Buhler seconded to adopt **Ordinance 89 of 2005 amending the zoning regulations relating to the Sugar House Business District, amending the Sugar House Master Plan and rezoning properties in the Sugar House Business District as provided in the ordinance; and further move that the Council adopt a Legislative Action requesting to rezone the properties east of the Irving School property on the east side of 1200 East from the current Residential Multi-Family (RMF-45) zoning to classification of CSHBD2.**

Councilmember Lambert said the proposed ordinance had been before the Council for approximately 1½ years. He said it was important to move the ordinance forward. He said the Sugar House Community Council and the Stakeholders Committee were not entirely satisfied with the proposed ordinance but a compromise had been made. He said the Sugar House Community Council supported the plan. He said he did not want to make changes to an accepted plan.

Councilmember Lambert said there were concerns about a parcel of land in back of 2100 South and 1100 East. He said in the proposal it was agreed that east of 1100 East be SH-1. He said the land on 2100 South west of the bank property down to McClelland was zoned SH-1 under the proposal. He said at the Planning Commission's recommendation that property was zoned SH-2. He said he agreed with the Commission's recommendation because that property abutted low density, single family housing and a transition was needed. He said larger height was available to property owners on 2100 South but the Planning Commission unanimously endorsed the concept of protecting those areas on Hollywood and McClelland. He said he wanted to move forward with the proposal.

Councilmember Buhler said he supported Councilmember Lambert and the whole Sugar House community. He said this was a vibrant part of the City. He said this was a difficult issue and fair compromises had been made. He said he would support the motion.

Councilmember Love said Sugar House was what they wanted downtown to be. She said it was thriving, people were living there and it was pedestrian friendly.

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

**(P 03-12)**

**#4. RE: Accept public comment and consider adopting a resolution relating to Housing Policy Statements.**

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The following people spoke in support of the Housing Policy: **Rosemary Kappes** and **Kirk Huffaker**.

The following people spoke in opposition of the Housing Policy as written: **Tara Rollins; Claudia O'Grady; Judi Short; Tim Funk; Gregory Hughes** and **Liz McCoy**.

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

Councilmember Jergensen moved and Councilmember Love seconded to **defer action until the second meeting in January**.

Councilmember Jergensen said he felt the proposed housing policy was a good start. He said the policy had been sent out twice with revisions. He said additional time was needed to incorporate small revisions into the document.

Councilmember Love said they had mailed notices out to many groups but this was the first time they had actually received comment. She said it would be helpful to have more time to consider the recommendations.

Councilmember Saxton said she appreciated the motion. She said the community had changed in the last ten years. She said Salt Lake City had a huge commitment to affordable and subsidized housing. She said she appreciated comments about trying to preserve single family dwellings. She said the City's housing stock has been in deplorable condition for 40 years. She said they had to express a commitment to single family dwellings and put some money towards preserving them. She said the City had not been successful infiltrating different kinds of housing in all parts of the City. She said the current demolition ordinance was not adequate.

Councilmember Lambert said he wanted to adopt a housing policy and had pushed to meet that goal. He said housing had always been the Council's priority. He said the proposed Housing Policy was a step forward. He said he wanted to see some changes but he encouraged the Council to adopt the policy.

Councilmember Lambert said there needed to be regular policy reviews. He said a new housing policy was needed because the current one was old and circumstances had changed. He said the revision process could be accomplished through amendments and changes.

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

**(R 05-18)**

COMMENTS TO THE CITY COUNCIL.

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Cindy Cromar paid tribute to Councilmember Lambert.

The following people spoke or submitted a card on compatible residential infill zoning regulations: **Bryan Kohler; Rex Sears; David Gibson; Mark Cook; Clint Johnson; Dennis Guy-Sell; Katherine Kivett; Nicole Semerad** and **Nathan Semerad**.

UNFINISHED BUSINESS

**#1. RE:** Adopting a resolution conditionally accepting bids for purchasing of material and construction work and, subject to approval of the City Engineer and/or the City Purchasing Department, authorizing execution of a construction contract with the apparent responsive bidder for construction of improvements of **Salt Lake City, Utah Sidewalk Replacement Special Improvement District No. 2004/2005 FY Job No. 102119;** providing for construction of improvements consisting of 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; authorizing the issuance of interim warrants and for addition of the interest thereon to assessable costs and related matters.

Councilmember Buhler moved and Councilmember Turner seconded to adopt **Resolution 71 of 2005**, which motion carried, all members voted aye. (Q 05-9)

**#2. RE:** Adopting a resolution to create **the Salt Lake City, Utah Sidewalk Replacement Special Improvement District No. 2004/2005 FY Job No. 102119**, generally as described in the Notice of Intention concerning the District; authorizing City officials to proceed with the construction of improvements as set forth in the Notice of Intention; and related matters.

Councilmember Buhler moved and Councilmember Jergensen seconded to adopt **Resolution 70 of 2005**.

Councilmember Buhler said the protest hearing was held a few weeks ago. He said the community was in favor of the Special Improvement District.

Councilmember Lambert called for the question, which motion carried, all members voted aye. (Q 05-9)

**#3. RE:** Adopting a resolution conditionally accepting bids for purchasing of materials and construction work and, subject to approval of the City Engineer and/or the City Purchasing Department, authorizing

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execution of a construction contract with the apparent responsive bidder for **construction of improvements of Salt Lake City, Utah 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018**; providing for construction of improvements consisting of the reconstruction of roadway pavement, and construction and installation of concrete angle parking, concrete curbs, sidewalks, driveway approaches, median islands, sidewalk ramps, storm drainage facilities, site furnishing, street lighting, traffic signals, landscaping and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; authorizing the issuance of interim warrants and for the addition of the interest thereon to assessable costs and related matters.

Councilmember Saxton moved and Councilmember Love seconded to adopt **Resolution 72 of 2005**, which motion carried, all members voted aye.  
(Q 05-2)

**#4. RE:** Adopting an ordinance amending Section 12.56.440, Salt Lake City Code, relating to **stopping or parking prohibited in certain areas. (Mailboxes)**

Councilmember Christensen moved and Councilmember Turner seconded to **adopt Ordinance 85 of 2005.**

Councilmember Christensen said this was not a City-wide issue. He said for people impacted by activities from a City facility or a park, it was problematic when their mail was not delivered because cars were parked in front of their mailboxes.

Councilmember Saxton said she appreciated the hardship this created in some neighborhoods. She said there were other ways to correct the problem rather than implementing an isolated ordinance. She said she would vote against the motion.

Councilmember Lambert called for the question, which motion carried, all members voted aye except Councilmember Saxton who voted nay.  
(O 05-28)

**#5. RE:** Adopting an ordinance amending Section 12.64.020, Salt Lake City Code, relating to **definitions regarding City Parking Permit Program** and enacting Section 12.64.175, Salt Lake City Code, relating to **emergency procedures - temporary parking permit area.**

Councilmember Jergensen moved and Councilmember Turner seconded to adopt **Ordinance 86 of 2005.**

Councilmember Jergensen said people in the Capital Hills area were concerned about the affects of parking at the Capital during the

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Legislative Sessions. He said this allowed the process to move forward to protect the neighborhood while Capital construction was being completed.

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

(O 05-30)

**#6. RE:** Adopting an ordinance: a) 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; and b) **establishing temporary zoning regulations for certain areas of the City** pursuant to Petition No. 400-05-25.

Councilmember Love moved and Councilmember seconded to **adopt Ordinance 90 of 2005 and include the following:** a) a definition of development pattern as outlined by the Renovation Design Group, b) definition of block face as outlined by the Planning Division, c) Sketch Plan Review as outlined in the memo from the Renovation Design Group, d) a building height of 28 feet to the crest of the structure or 20 feet for a flat roof, and e) a wall height of 20 feet with the option to increase or decrease height as outlined in the proposed ordinance; and further move that the Council adopt Ordinance 91 of 2005 adopting temporary zoning regulations for six months that applies to the following areas: a) the area north of South Temple and east of the I-15 freeway currently zoned SR-1, and b) the area of 1300 South to 1700 South and 1300 East to 1900 East.

Councilmember Love said Salt Lake City was unique because of neighborhoods with historic homes. She said as a result of the construction boom the character, streetscapes, and charm of some neighborhoods were in jeopardy. She said over the last two years loopholes were discovered in the infill ordinance. She said standards that had once worked no longer worked. She said the result of the process would be positive and everyone would be able to build, expand and renovate. She said people who wanted to go beyond reasonable standards would have to go through a process to make sure the reconstruction was compatible.

Councilmember Love said she was confident the new ordinance would encourage families to move into the City. She said they had established reasonable boundaries to better protect the neighborhoods. She said she was sympathetic to East Central because they had unique needs. She said she was confident that in two months Wasatch Hollow and the Avenues would bring a plan to the Council that would fit their neighborhoods.

Councilmember Buhler said he supported the motion. He said they were trying to protect the rights of those wanting to expand or rebuild a

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home and the property rights of their neighbors. He said people wanted to invest and live in Salt Lake City. He said the proposed ordinance did a good job balancing those interests.

Councilmember Buhler said the proposed ordinance provided a baseline City-wide and corrected issues which caused problems. He said until the ordinance was passed, a person could build a 40-foot high home anywhere in the City. He said that size home did not fit very many places. He said the new ordinance took 40-feet down to 28-feet City-wide which allowed people to have second stories.

Councilmember Buhler said he felt it was appropriate to look at overlays where needed and he supported the temporary overlay. He said the overlay would give the two neighborhoods some time to come up with a plan that would work better.

Councilmember Saxton said the Douglas Neighborhood had some unique housing and heights. She said the Council took a straw poll and the vote was 2-5 against including Douglas neighborhood into the special zoning district. She said a way was needed for families to be able to stay in their homes as long as they wanted. She said expansion needed to be allowed but parameters needed to be set. She said she would vote in favor of the motion.

Councilmember Christensen said adding on to a home was economical. He said the Council could pursue a way to provide people an affordable way to expand in the Housing Policy. He said the ordinance provided reasonable expectations. He said he did not want to be too limiting and make the ordinance too complicated. He said he supported the motion. He said he wanted to review the ordinance after one year to see if it was working.

Councilmember Turner said this was a City-wide issue. He said people were investing in homes. He said a neighborhood could go 20 years with no changes. He said the proposed ordinance addressed some of those changes. He said he felt the ordinance would help Westside neighborhoods keep their charm. He said he wanted to see an investment in his area. He said he would support the motion.

Councilmember Lambert said he saw the need to protect neighborhoods but he also saw the need to renovate neighborhoods and homes. He said the City needed room for families to stay in the City and people were demanding larger homes. He said if they wanted a vital City, they had to make adjustments. He said the ordinance did accommodate expansion for large families and allowed for two car garages.

Councilmember Lambert said the real challenge was a City-wide ordinance because there were special needs in certain neighborhoods. He said for those specialized neighborhoods he encouraged them to continue

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to work with neighbors. He said if something more restrictive was needed then an overlay district could be developed. He said some neighborhoods might need to be less restrictive.

Councilmember Lambert said all citizens in every City neighborhood should not have to go through a long process to build a two story home. He said he did not believe it was a City-wide restriction the Council could live with. He said it would be unfair to many people.

Councilmember Lambert said the setback requirements were currently 20-feet. He said many neighborhoods even though they could build to 20-feet have built their homes farther back. He said if someone lived in a neighborhood where most of the homes were set back 35 or 40-feet and someone built a major structure to the 20-foot line, it would hurt a neighborhood. He said he would support the motion.

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

Councilmember Jergensen moved and Councilmember Buhler seconded to **initiate a Legislative Action requesting that the Administration provide the following as soon as possible: a) establishment of a building volume ratio standard and return that proposed standard to the Council, and b) in order to make the process as user friendly, clear, predictable and flexible as possible, and request that the Council request the Administration to establish objective criteria that provides predictability and a methodical process to further clarify the Administrative and Board of Adjustment hearing criteria.**

Councilmember Jergensen said he felt the City had taken a step forward. He said they had found a way to effectively and reasonably address the problem. He said he did not know of anyone who would disagree that a home such as the one on 8<sup>th</sup> Avenue and 650 East was inappropriate.

Councilmember Jergensen said families would not come here because they could not remodel and other families were leaving because of the lack of clarity in the ordinance. He said the Council felt they needed to have a set of objective criteria to protect the applicant and the neighborhood.

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

(O 05-16)

**#7. RE: Adopting amendments to Chapters 5.79, 5.72, and 16.60 of the Salt Lake City Code, pertaining to ground transportation and specifically making application fees for vehicle driver's licenses**



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uniform.

Councilmember Buhler moved and Councilmember Love seconded to adopt **Ordinance 87 of 2005**.

Councilmember Buhler said this provided a technical correction to the ordinance that was passed at the last meeting regarding taxicab and ground transportation.

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

(O 05-2)

CONSENT AGENDA

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

**#1. RE:** Approving the appointment of **Lee Kapaloski** to the **Metropolitan Water Board** for a term extending through January 4, 2010.

(I 05-17)

The meeting adjourned at 9:59 p.m.

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Council Chair

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Chief Deputy City Recorder

bj