

TUESDAY, DECEMBER 1, 2009

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, December 1, 2009 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	JT Martin	Eric Jergensen
Jill Remington Love	Søren Simonsen	Luke Garrott
Van Turner		

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

Councilmember Christensen presided at and conducted the meeting.

OPENING CEREMONY

#1. 7:07:23 PM Scout Troop #345 led the Pledge of Allegiance.

#2. 7:09:37 PM The Council will consider adopting a joint resolution with Mayor Becker in observation of **December 1<sup>st</sup> as World AIDS Day**. View Attachments

Mayor Becker read the resolution.

Councilmember Simonsen moved and Councilmember Turner seconded to adopt **Resolution 69 of 2009**, which motion carried, all members voted aye.

(R 09-1)

#3. 7:09:14 PM Councilmember Garrott moved and Councilmember Simonsen seconded to **approve the minutes** of the Salt Lake City Council meetings held **November 5, 2009, November 10, 2009 and November 17, 2009**, which motion carried, all members voted aye. View Attachments

(M 09-3)

PUBLIC HEARINGS

#1. **RE: 7:13:44 PM Accept public comment and consider a resolution adopting the 2009 Water Conservation Master Plan as required by Utah Code Ann. Section § 73-10-32. View Attachments**

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

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Councilmember Jergensen moved and Councilmember Simonsen seconded to adopt **Resolution 70 of 2009**, which motion carried, all members voted aye.

(T 09-3)

**#2. RE: 7:14:40 PM** Accept public comment and consider adopting an ordinance amending Salt Lake City Ordinance 41 of 2009 which adopted the **final budget** for the **Library Fund** of Salt Lake City, Utah, for the Fiscal Year beginning July 1, 2009 and ending June 30, 2010. View Attachments

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

Councilmember Garrott moved and Councilmember Turner seconded to adopt **Ordinance 68 of 2009**, which motion carried, all members voted aye.

(B 09-2)

**#3. RE: 7:16:44 PM** Accept public comment and consider adopting an ordinance amending Section 6.08.084, Salt Lake City Code, pertaining to **spacing of brewpubs and microbreweries**, exempting those located within both liquor District A and a D-1, D-2, D-3 or D-4 zone from the requirement that only one brewpub or microbrewery may be located on either side of a major street; and amending Section 6.08.120, Salt Lake City Code, setting forth **location restrictions for Class C beer licenses and Class B and C private club licenses**, to **eliminate spacing restrictions** between licensed establishments that are within both liquor District A and D-1, D-2, D-3 or D-4 zone. View Attachments

**Christian Harrison** and **Carl Armknecht** spoke in favor of the proposed ordinance.

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

Councilmember Garrott moved and Councilmember Love seconded to adopt the ordinance.

Councilmember Love said the Administration was looking to down zone "D" zones. She said she felt down zoning was appropriate. **David Everitt**, Mayor's Chief of Staff, said they would be bringing forth changes regarding the D-2 and D-3 zones to establish conditional uses in those areas. He said based on conversations over the last few weeks, they would move forward with a petition to rezone parts of the D-zone at 900 South 300 West.

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Councilmember Jergensen said he was concerned if the ordinance passed even though the Administration had indicated the petition would be forth coming, there would be a period of time when there would be an opening in the ordinance. He said restrictions could be put in place to indicate change was coming.

Mr. Everitt said the value in passing the ordinance right now outweighed the minimal risk for those areas. He said Business Licensing could flag any applications which applied to that area in general. Councilmember Simonsen said the Council could set an effective date to allow time to work on rezoning applications.

Councilmember Garrott said the biggest threat to these neighborhoods was not alcohol establishments because those establishments would have to locate in commercial areas. He said it was residential development that would level single family homes because the D-4 zone allowed tall building heights.

Councilmember Jergensen moved and Councilmember Turner seconded to make a substitute motion **to defer consideration of this ordinance until the December 8<sup>th</sup>, 2009 meeting.**

Councilmember Jergensen said he felt it would help the Council spend time discussing exactly how to put that particular condition into place.

Councilmember Christensen called for a roll call vote, which motion carried Council Members Simonsen, Martin, Love, Garrott, Jergensen, Turner and Christensen voted aye,.

(O 09-40)

**#4. RE: 7:33:45 PM Accept public comment and consider adopting a proposed ordinance **enacting Chapter 5.15**, Salt Lake City Code, establishing the Landlord/Tenant Initiative Program and making related changes to Salt Lake City Code, **Chapter 5.04 - Business Licenses**, and **Chapter 5.14 - Rental Dwellings**. View Attachments**

The following spoke or submitted hearing cards in support of establishing the Landlord/Tenant Initiative Program: **Tara Rollins; Sonya Martinez; Cindy Cromar; Paul Smith and Karl Armknecht.**

Councilmember Jergensen moved and Councilmember Simonsen seconded to **close the public hearing and defer action to December 8, 2009**, which motion carried, all members voted aye.

(O 09-39)

**#5. RE: 7:42:14 PM Allow public comment on the Draft Community Development Plan for the **North Temple Viaduct Community Development****

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**Project Area (CDA)** and whether the Draft Project Area Plan should be revised, approved or rejected, and receive all written and hear all oral objections to the Draft Project Area Plan. (**Redevelopment Agency public hearing**)

Councilmember Simonsen moved and Councilmember Garrott seconded to **recess as the City Council and convene as the Redevelopment Agency**, which motion carried, all members voted aye.

Councilmember Jergensen conducted the hearing as the Chair of the Redevelopment Agency.

**Scott Turville** said he represented Northwestern Hospitality. He said a decision needed to be made to support or oppose the draft and the assessment area by next Tuesday. Boardmember Jergensen said two different issues were being dealt with and recommended Mr. Turville meet with Ed Butterfield.

Boardmember Garrott moved and Boardmember Simonsen seconded to **close the public hearing**, which motion carried, all members voted aye.

Boardmember Christensen moved and Boardmember Turner seconded to **recess as the Redevelopment Agency and reconvene as the City Council**, which motion carried, all members voted aye.

(T 09-4)

POTENTIAL ACTION ITEMS

#1. RE: 7:51:17 PM Adopting an ordinance amending the land use designation of the **Northwest Community Master Plan Future Land Use Map** for property located at approximately **356-358 North Redwood Road** from Parks/Open Space to Medium Density Residential pursuant to Petition No. 400-08-10. (**Juston Puchar, Crestview Holdings**) View Attachments

Councilmember Turner moved and Councilmember Jergensen seconded to **deny the petition**, which motion carried, all members voted aye.

(P 09-19)

#2. RE: 7:51:33 PM Adopting an ordinance amending certain Sections of **Title 21A, Zoning**, Salt Lake City Code, to provide additional **clarity** and **efficiency** in land use regulation regarding **notice and appeals** pursuant to Petition No. PLNPCM2009-00106. View Attachments

Councilmember Jergensen moved and Councilmember Simonsen seconded to **adopt Ordinance 69 of 2009**.

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Councilmember Jergensen said the ordinance would help streamline City procedures. He said community councils were concerned because of changes to procedures as it related to community councils. He said those changes would be deferred to a later date. He said until discussion took place, the same procedures used now would continue.

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

(P 09-12)

#3. RE: 7:57:17 PM Adopting an ordinance amending certain provisions of **Titles 18, Building, and 21A, Zoning**, Salt Lake City Code, pertaining to residential **condominium conversions** pursuant to Petition No. PLNPCM2008-00409. View Attachments

Councilmember Garrott moved and Councilmember Jergensen seconded to adopt **Ordinance 70 of 2009 amending Title 18, Building and Construction, and Title 21A, Zoning, relating to residential condominium conversions with the changes requested by the City Council**, which motion carried, all members voted aye.

(P 09-17)

#4. RE: 8:00:22 PM Adopting an ordinance amending **Section 8.04.010**, Salt Lake City Code, to add definitions related to beekeeping and **enacting Chapter 8.10**, Salt Lake City Code, pertaining to **animal control regulations** to authorize **beekeeping** within the City subject to certain requirements. View Attachments

Councilmember Martin moved and Councilmember Garrott seconded to adopt **Ordinance 71 of 2009**.

Councilmember Martin said one or two beekeepers living in Salt Lake City had volunteered their time and resources to place and maintain a City beehive(s) at City Hall. He said he wanted to encourage the Administration to check into this.

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

(O 09-23)

#5. RE: 8:04:23 PM Adopting an ordinance amending **Sections 8.08.010, 8.08.060 and 8.08.080** and **enacting Section 8.08.065**, Salt Lake City Code, pertaining to **animal control regulations** to authorize the keeping of **chickens** in residential districts subject to certain requirements. View Attachments

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Councilmember Garrett moved and Councilmember Simonsen seconded to adopt Ordinance 72 of 2009 amending Sections 8.08.010, 8.08.060 and 8.08.080, Salt Lake City Code, authorizing the keeping of chickens in residential districts subject to certain requirements as proposed in the alternate version to allow for keeping of chickens in multi-family dwellings.

Councilmember Garrett said 25-foot requirements from adjacent property lines would be in effect and this would allow residential units that were not single family to raise chickens. He said all restrictions would apply. He said it would be a maximum of chickens for the building not for units within the building.

Councilmember Christensen called for the question, which motion carried, all members voted aye.  
(0 09-35)

8:08:05 PM COMMENTS TO THE CITY COUNCIL

The following spoke or submitted hearing cards in opposition to the location and the proposed use of the Regional Sports Complex: **Jeremy King; Amy O'Connor; Ray Wheeler; Barbara Rufenacht; Jeff Salt and Nancy Saxton.**

**Bill Coker** spoke about the Grand Boulevard. **Douglas Cotant** spoke about cracks in the sidewalks and asked why the cracks had not been repaired. **Jack Jensen** said he was an owner of the open space land known as the Jensen/Bowers property in Parley's Canyon. He said they had been in the process of a joint purchase of the property by Salt Lake City and Salt Lake County for approximately one year. He said the property was removed from the agenda with no warning. He requested the Council put this item back on the agenda as soon as possible. **Kevin Bowers** said he represented the other portion of Jensen/Bowers property. He said the property was a gateway to the City and they wanted the property used for the citizens. He also requested that the property be placed back on the agenda.

UNFINISHED BUSINESS

#1. RE: 8:36:55 PM Adopting a resolution **expressing the support** of the City Council and the Mayor for the **reconstruction** of the **North Temple Viaduct** to support multiple transport modes. View Attachments

Council Members Jergensen and Martin recused themselves from the discussion.

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Councilmember Love moved and Councilmember Turner seconded to adopt **Resolution 73 of 2009**, which motion carried, all members voted aye except Councilmember Garrott who voted nay.

(R 09-16)

and;

Adopting a resolution approving **additional expenditures** for the **North Temple - Grand Boulevard** transit corridor design element expenditures pursuant to an interlocal agreement between Salt Lake City and Utah Transit Authority.

Councilmember Jergensen moved and Councilmember Love seconded to adopt **Resolution 72 of 2009**, which motion carried, all members voted aye.

(R 09-17)

#2. RE: 8:35:28 PM Approving the inducement resolution for **Revenue Bonds, Series 2010A, Utah Pipe Trades Education Trust Fund Project** and schedule a public hearing on **January 5, 2010 at 7:00 p.m.** regarding a resolution authorizing the issuance and sale of not more than \$4,000,000 aggregate principal amount of the City's **Facility Revenue Bonds, Series 2010A (Utah Pipe Trades Project)**; and related matters. View Attachments

Councilmember Garrott moved and Councilmember Love seconded to adopt **Resolution 71 of 2009**, which motion carried, all members voted aye.

(Q 09-11)

#3. RE: 8:36:07 PM Adopting a resolution authorizing the issuance and providing for the sale of \$1,263,000 Salt Lake City, Utah **Special Assessment Bonds, Series 2009B (Special Assessment Area #C103006, California Avenue)** (the "Series 2009B Bonds") providing for pricing and terms of the Series 2009B Bonds, prescribing the form, and denomination of said bonds; providing for the continuance of a Guaranty Fund; authorizing and approving a **Bond Purchase Agreement**; and related matters. View Attachments

Councilmember Love moved and Councilmember Turner seconded to adopt **Resolution 67 of 2009**, which motion carried, all members voted aye.

(Q 08-11)

and;

Adopting a resolution authorizing the issuance and providing for the sale of \$396,000 Salt Lake City, Utah **Special Assessment Bonds**,

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Series 2009C (Special Assessment Area #C102145, Sidewalk Replacement, and #C102146, Lyman Court) (the "Series 2009C Bonds") providing for pricing and terms of the Series 2009C Bonds, prescribing the form, the maturity and denomination of said bonds; providing for the continuance of a Guaranty Fund; authorizing and approving a Bond Purchase Agreement; and related matters.

Councilmember Love moved and Councilmember Turner seconded to **adopt Resolution 66 of 2009**, which motion carried, all members voted aye.

(Q 08-3)

CONSENT AGENDA

8:36:42 PM Councilmember Jergensen moved and Councilmember Garrott seconded to **approve the Consent Agenda**, which motion carried, all members voted aye.

**#1. RE: Approving the appointment of Mark Alvarez to the Library Board** for a term extending through **June 30, 2012**.

(I 09-23)

The meeting adjourned at 8:39 p.m.

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Council Chair

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City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held December 1, 2009.

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PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, DECEMBER 8, 2009

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, December 8, 2009 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	JT Martin	Eric Jergensen
Jill Remington Love	Søren Simonsen	Luke Garrott
Van Turner		

Cindy Gust-Jenson, Executive Council Director; Edwin Rutan, City Attorney; David Everitt, Mayor's Chief of Staff; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Christensen presided at and conducted the meeting.

OPENING CEREMONY

#1. 7:06:46 PM The Council led the Pledge of Allegiance.

#2. 7:07:17 PM Comments from outgoing City Councilmember Eric Jergensen, recognition of service and presentation of gift.

#3. 7:22:31 PM Recognition of outgoing City Council Chair Carlton Christensen and presentation of gift.

#4. 7:30:09 PM Councilmember Simonsen moved and Councilmember Martin seconded to **approve the minutes** for the Salt Lake City Council meeting held **November 20, 2009**, which motion carried, all members voted aye.

(M 09-3)

PUBLIC HEARINGS

#1. **RE:** 7:31:01 PM Accept public comment regarding a **resolution** to (A) finance the cost of certain **infrastructure improvements** consisting of the replacement of the existing **North Temple Viaduct** with an auto/light rail viaduct and related improvements together with all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; (B) defray the cost and expenses of a portion of the cost of said improvements by assessments to be levied against properties benefited by such improvements; and (C) provide notice of intention to designate an **Assessment Area**, to authorize such improvements, and fix a time and place for protests against such improvements or the designation of said Assessment Area; to declare the City's official intention to reimburse itself for expenditures paid by it prior to the issuance of tax-exempt bonds; to authorize advertisement of construction bids; and related matters. View

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Attachments

Council Members Jergensen and Martin were recused.

7:31:59 PM **Ben McAdams**, Mayor's Senior Advisor, said the Administration wanted to request that the Council continue the protest hearing to a future meeting in January, 2010. He said there were some evolving issues the Administration wanted to resolve before the meeting was held.

**The Boyer Company** submitted written comments in protest of the proposal.

Councilmember Love moved and Councilmember Simonsen seconded to **continue the public hearing to a date in January, 2010**, which motion carried, all members voted aye, except Council Members Jergensen and Martin, who were recused.

(Q 09-9)

POTENTIAL ACTION ITEMS

#1. RE: 7:34:48 PM Adopting an ordinance **amending Section 6.08.084 and Section 6.08.120**, Salt Lake City Code, **exempting social clubs, taverns, brewpubs and microbreweries** from certain City **spacing regulations** if those businesses are located within both Alcohol District A described in City Map No. 19372 titled **Alcohol License Districts** and within any of the following zoning districts: Central Business District (D-1); Downtown Support District (D-2); Downtown Warehouse Residential (D-3); and Secondary Central Business District (D-4). **View Attachments**

Councilmember Garrott moved and Councilmember Simonsen seconded that the City Council initiate, pursuant to Section 21A.50.030 of the Salt Lake City Code, an amendment to the text of the Table of Permitted and Conditional Uses in the D-2 and D-3 zones to make social clubs, taverns and micro-breweries a conditional use instead of a permitted use, with the request that the Planning Division prepare the application on behalf of the Council and further moved that the City Council adopt Ordinance 73 of 2009, amending Sections 6.08.084 and 6.08.120, Salt Lake City Code, pertaining to the spacing of brewpubs and microbreweries, taverns and social clubs, if the businesses are located within both Alcohol License District A and a D-1, D-2, D-3 or D-4 zone.

7:36:24 PM Councilmember Garrott thanked those who had participated in the process and felt the proposal would help Salt Lake become a unique/attractive American city which people would come to visit.

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

(O 09-40)

#2. RE: 7:38:01 PM Adopting a proposed ordinance **enacting Chapter 5.15**, Salt Lake City Code establishing the **Landlord/Tenant Initiative Program** and making related changes to Salt Lake City Code, **Chapter 5.04 - Business Licenses**, and **Chapter 5.14 - Rental Dwellings**. [View Attachments](#)

Councilmember Jergensen moved and Councilmember Simonsen seconded to **adopt Ordinance 74 of 2009**.

7:38:44 PM Councilmember Jergensen thanked those who participated in the process and hoped the ordinance would help address some of the difficulties the City had with landlords who did not take care of their rental properties/responsibilities.

Councilmember Garrott thanked Councilmember Jergensen for his leadership on this issue and everyone else who had been involved. He said this was a difficult issue but felt the proposal would improve rental properties, reduce nuisances and make landlords more responsive to tenants.

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

(O 09-39)

COMMENTS TO THE CITY COUNCIL 7:42:28 PM

**Jihad Al-Ali** requested a hearing regarding "Culting" crimes.

**Jean Arnold, Barbara RuFenacht, Jeff Salt, Ray Wheeler, Dan Potts** and **John Liston** spoke or submitted written comments in opposition to the proposed sports complex to be located along the Jordan River.

**Shawn Halladay** and **John Gygi** spoke in favor of the proposed sports complex.

UNFINISHED BUSINESS

#1. RE: 8:04:31 PM Adopting a resolution providing for a **public hearing** on **January 5, 2010** at **7:00 p.m.** to accept public comment relating to authorizing the issuance and sale of up to \$20,000,000 aggregate principal amount of the City's **sales tax revenue bonds** to finance all or a portion of the cost of acquiring, constructing, improving, replacing and remodeling the **North Temple Viaduct** which is currently located between approximately 350 West and 600 West and

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various other capital improvement program projects; providing for the holding of a public hearing and providing for related matters. [View Attachments](#)

Council Members Jergensen and Martin were recused.

Councilmember Simonsen moved and Councilmember Love seconded to **adopt Resolution 74 of 2009 and set the hearing date of January 5, 2010**, which motion carried, all members voted aye, except Council Members Jergensen and Martin who were recused.  
(Q 09-13)

**#2. RE: 8:02:20 PM** Adopting a resolution providing for a **public hearing on January 5, 2010 at 7:00 p.m.** to accept public comment relating to a resolution authorizing the issuance and sale of up to \$12,000,000 aggregate principal amount of the City's sales tax revenue bonds to finance all or a portion of the cost of acquiring, constructing, improving, reconstructing and remodeling **North Temple Street** between approximately **600 West and 2200 West**, which is commonly referred to as the **North Temple Boulevard Project**, and various other capital improvement program projects; providing for the holding of a public hearing and providing for related matters. [View Attachments](#)

Councilmember Simonsen moved and Councilmember Garrott seconded to **adopt Resolution 75 of 2009 and set the hearing date of January 5, 2010**, which motion carried, all members voted aye.  
(Q 09-12)

**#3. RE: 8:03:06 PM** An ordinance adopting the **Community Development Plan** for the **North Temple Viaduct Community Development Project Area**, as approved by the Redevelopment Agency of Salt Lake City, and designating the plan as the official Community Development Plan for the North Temple Viaduct Community Development Project Area. [View Attachments](#)

Councilmember Simonsen moved and Councilmember Love seconded to **adopt Ordinance 75 of 2009**, which motion carried, all members voted aye.

**8:03:53 PM** Councilmember Simonsen said this was the first community development area created in Salt Lake City. He said this was a new redevelopment tool created by the State Legislature a few years ago. He said it was great the City could utilize this mechanism for an important project.  
(T 09-4)

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CONSENT AGENDA 8:03:33 PM

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

**#1. RE:** Setting the date of **January 5, 2010** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **amending** Salt Lake City Ordinance 17 of 2009 which adopted the **final budget** of Salt Lake City, Utah, for the Fiscal Year beginning July 1, 2009 and ending June 30, 2010. **(Amendment No. 2)** **View Attachments**  
**(B 09-12)**

**#2. RE:** Setting the date of **January 5, 2010** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **amending Section 5.04.160**, Salt Lake City Code, **"Innkeeper License Tax"**, by changing the description of the accommodations covered by the innkeeper license tax to more closely match the description provided in the state tax code; by providing for the innkeeper license tax to be assessed quarterly rather than annually; and by providing for the imposition of penalties and interest as provided by Sections 59-4-101 and 59-4-102 of the Utah Code Ann.  
**(O 09-34)**

**#3. RE:** Approve the **transfer** of the following **grant projects**: State of Utah, Certified Local Government Program, Intensive Level Survey Historic Preservation; Utah Department of Public Safety, 2009 Homeland Security Grant, Urban Area Security Initiative-UASI; US Department of Health and Human Services SAMHSA-Drug Free Communities Grant; from the Grant Holding Account and establish a project budget for each grant to be confirmed in a formal budget opening. **View Attachments**  
**(B 09-13)**

The meeting adjourned at 8:05 p.m.

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Council Chair

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City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held December 8, 2009.

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