

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, MARCH 7, 2006

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, February 7, 2006, at 7:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Van Turner	Nancy Saxton	Dave Buhler
Søren Simonsen	Eric Jergensen	Jill Remington Love

The following Councilmember was absent:

Carlton Christensen

Rocky Fluhart, Deputy Mayor; Cindy Gust-Jenson, Executive Council Director; Edwin Rutan, City Attorney; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Buhler presided at and Councilmember Saxton conducted the meeting.

#1. 7:03:29 PM The Council led the Pledge of Allegiance.

#2. 7:04:03 PM Councilmember Turner moved and Councilmember Simonsen seconded to **approve the minutes** of the Salt Lake City Council meetings held **February 21, 2006** and **February 23, 2006**, which motion carried, all members present voted aye.
(M 06-3)

PUBLIC HEARINGS:

#1. 7:05:31 PM RE: Accept public comment and consider adopting an ordinance rezoning properties generally located at **466 East 500 South** from Residential/Office District (RO) to High Density Multi-family Residential District (RMF-75), **517-533 South Denver Street** from Moderate/High Density Multi-family Residential District (RMF-45) and **516-524 South 500 East** from Moderate/High Density Multi-family Residential District (RMF-45) to High Density Multi-Family Residential District (RMF-75), and amending the **Central Community Master Plan** pursuant to Petition No. 400-05-06. (**Richard Astle** and **Thaes Webb**)

Cindy Cromer spoke about excessive amendments to the Central City Master Plan and utilizing density bonuses to obtain open space and affordable housing. **Rolf Berger** submitted a comment card.

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

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Councilmember Turner moved and Councilmember Jergensen seconded to adopt Ordinance 12 of 2006.

Janice Lew, Principal Planner, briefed the Council on the proposal. She said the development agreement, which was part of the proposal, allowed more density within the 45-foot height requirement of the RMF-45 zone. The Council discussed the issue of increasing density without increasing height. Councilmember Jergensen said he felt Council Members had concerns about this issue including neighborhood compatibility and suggested adding a request to the motion that the Administration/Planning come back to the Council in a specified time period with ideas on density bonuses and height issues.

Councilmember Buhler said procedurally the Council could vote on Councilmember Turner's motion and then consider an additional motion to address Councilmember Jergensen's suggestion. Councilmember Saxton called for the question, which motion carried, all members present voted aye, except Councilmember Simonsen who voted nay.

Councilmember Jergensen moved and Councilmember Turner seconded to initiate a legislative action requesting that the Administration reevaluate the Residential Multi-Family zoning districts relating to height, density and compatibility with surrounding neighborhoods and identify options that would include, but not be limited to, modification of the Planned Development regulations, density bonus and affordable housing incentives, and neighborhood compatibility standards with some type of step-back capability.

Councilmember Jergensen said there were a number of factors involved in good urban planning and development. He said he hoped through analysis, options could be found to increase density and compatibility in downtown areas.

Councilmember Simonsen said he felt the request should include discussion/analysis of market forces and the ability to provide density throughout an entire district as opposed to single parcels. He said he felt the intent of this policy needed further Council consideration.

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

(P 06-5)

#2. 7:25:24 PM RE: Accept public comment and consider adopting an ordinance amending Section 21A.62.040, Salt Lake City Code, pertaining to definitions and amending Table 21A.26.080, Salt Lake City Code, pertaining to permitted and conditional uses for Commercial Districts and Table 21A.30.050, Salt Lake City Code, pertaining to permitted and

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conditional uses for the Downtown Districts pursuant to Petition No. 400-05-32.

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

Councilmember Simonsen said he spoke with the Attorney's Office regarding a potential conflict of interest relating to the proposal. He said the Attorney's Office said because the ordinance had a broad application it did not create a legal conflict and he could participate in the discussion and vote.

Councilmember Jergensen moved and Councilmember Turner seconded to **adopt Ordinance 13 of 2006 amending the text of the Zoning Ordinance to allow stand alone multi-family residential developments as a permitted use Downtown, Commercial and Mixed Use zoning districts and amend the definition of multi-family dwelling**, which motion carried, all members present voted aye.

(0 06-6)

#3. 7:32:12 PM RE: Accept public comment and consider adopting an ordinance **amending Chapter 21A.38**, Salt Lake City Code, pertaining to Non-conforming uses and Non-complying structures pursuant to Petition No. 400-03-34.

The following spoke or submitted written comments about the proposal. **Cindy Cromer, Ester Hunter, Chris Johnson, Todd Holbrook, Charles Cowley and Judi Short.** Comments included uneven distribution, concentration in older neighborhoods, development rights, loopholes, safety nets, mixed uses, demolition guidelines, voluntary rebuilds, neighborhood protection, compatibility components, historic properties, damage to real estate industry, impact on property values, financing issues, natural disasters, rights/ability to develop private properties, housing stock, rental properties, and master plans.

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

Councilmember Jergensen asked for an update between what the Council approved last April and the current proposal. **Janice Jardine**, Council Land Use Policy Analyst, and **Everett Joyce**, Community Planning/Land Use and Transportation Planner, briefed the Council. Mr. Joyce said previous action allowed commercial/residential non-conforming uses to be rebuilt when structures were destroyed by fire or natural disasters. He said the current proposal dealt with the conditional use process for voluntary enlargement, alteration or

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intensification of non-conforming uses and non-complying structures. He said this was part of the original proposal but was referred back to the Planning Commission for refinement.

Councilmember Love asked how the compatible infill ordinance related to this proposal. Mr. Joyce said the infill ordinance addressed single family and R2 zones, not multi-family zones.

Councilmember Buhler moved and Councilmember Turner seconded to adopt Ordinance 14 of 2006 amending the text of the Zoning ordinance relating to the enlargement and/or intensification of non-conforming uses and non-complying structures.

Councilmember Buhler said it was important to have provisions in place so properties could be improved. He said he felt this issue would continue to be discussed and refined and suggestions had been raised concerning compatibility which needed to be addressed by the Council.

Councilmember Simonsen suggested modifying the motion to facilitate ongoing discussions regarding compatibility. Councilmember Buhler said the Council could adopt the motion and then consider a subsequent motion requesting a legislative intent for the Planning Commission to come back with recommendations.

Councilmember Saxton said she felt the proposal was a good policy which would allow residents to repair, maintain and enhance properties. She said she felt certain businesses worked well in neighborhoods and hoped the proposal would provide some live/work opportunities.

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

Councilmember Simonsen moved and Councilmember Love seconded to initiate a legislative intent with regard to the non-conforming use that the Planning Department/Planning Commission look at appropriate considerations for design compatibility as specifically related to height and regard to historic structures to help insure some of the qualitative aspects of areas where non-conforming uses occurred were respected and request recommendations be brought back to the Council in six months, which motion carried, all members present voted aye.

(O 03-5)

Councilmember Buhler said the minutes adopted by the Council contained mistakes and needed to be rescinded.

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Councilmember Buhler moved and Councilmember Love seconded to **reconsider the adoption of the minutes**, which motion carried, all members present voted aye.

Councilmember Buhler moved and Councilmember Jergensen seconded to **defer adoption of the minutes until the next formal meeting**, which motion carried, all members present voted aye.

COMMENTS TO THE CITY COUNCIL

8:01:00 PM Michael Clara spoke concerning master plan implementation in his community relating to Gateway and 900 South.

Robert Siciliano spoke in opposition of the Council's policy requiring a \$50 traffic school fee.

Polly Hart and Cara Lingstuyll spoke concerning restrictions on the number of pets residents could have.

UNFINISHED BUSINESS:

#1. 8:12:17 PM RE: Setting the protest hearing date of **April 11, 2006** at 7:00 p.m. to accept protests and consider **adopting a resolution** declaring the **intention** of the City Council of Salt Lake City to **construct improvements** within the City consisting of the reconstruction of roadways, including installation of concrete pavement, gutters, sidewalk, water facilities, driveway approaches, street lighting, and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; to create the Salt Lake City **Strong's Court (#102109) and Fenway Avenue (#102129)** reconstruction Special Improvement District (the "District"); to pay the improvement costs and expenses by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements, assessments or the creation of the district; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and to authorize advertisement of construction bids and related matters.

Councilmember Buhler moved and Councilmember Turner seconded to **adopt Resolution 14 of 2006**, which motion carried, all members present voted aye.
(Q 06-2)

#2. 8:12:17 PM RE: Setting the protest hearing date of **April 11, 2006** at 7:00 p.m. to accept protests and consider **adopting a resolution** declaring the **intention** of the City Council of Salt Lake City to **construct improvements** within the City consisting of the installation

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of decorative street lighting poles, and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; to levy an assessment to operate and maintain said street lighting facilities; to create the Salt Lake City, **Yale Avenue 1300 East to 1500 East Street Lighting Special Improvement District LC-106029** (the "District"); to pay the acquisition and installation costs and expenses and the operation and maintenance costs of said improvements by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements, assessments or the creation of the District; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and to authorize advertisement of construction bids and related matters.

Councilmember Buhler moved and Councilmember Turner seconded to **adopt Resolution 15 of 2006**, which motion carried, all members present voted aye.

(Q 06-3)

CONSENT AGENDA

8:12:55 PM Councilmember Jergensen moved and Councilmember Simonsen seconded to **approve the Consent Agenda**, which motion carried, all members present voted aye.

#1. RE: Adopting Ordinance 15 of 2006 (the "2006 Assessment Ordinance") approving the assessment list and levying an annual assessment upon property in **Salt Lake City, Utah Lighting District No. 3**, now known as L03 (the "**District L03**"); establishing the effective date of the 2006 assessment ordinance; providing for a procedure to contest an assessment; and related matters.

(Q 06-4)

#2. RE: Requesting the Administration not hold a hearing at 5:00 p.m. on March 14, 2006 regarding a lease agreement so that a **cellular antennae** could be placed on top of an existing power pole and for **subsurface connection** through the right-of-way to ground-based signal processing equipment. Compensation would be tendered.

(W 06-4)

#3. RE: Setting the date of March 21, 2006 at 7:00 p.m. to accept public comment regarding an appropriation resolution adopting the **One-Year Action Plan for 32nd year** 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 2006-07) and approving

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interlocal cooperation agreement between Salt Lake City and the U.S. Department of Housing and Urban Development (HUD).
(T 06-1)

#4. RE: Setting the date of **March 21, 2006** at **7:00 p.m.** to 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 readopted the **final budget** for fiscal year beginning July 1, 2005 and ending June 30, 2006. (Budget Amendment No. 4)
(B 06-5)

#5. RE: Approving the appointment of **Donald K. Dunn** to the **Utah Air Travel Commission** for a term extending through September 1, 2008.
(I 06-10)

The meeting adjourned at 8:13 p.m.

Council Chair

Chief Deputy City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held March 7, 2006.

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PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, MARCH 14, 2006

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, March 14, 2006 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	Søren Simonsen	

The following Council Members were absent:

Dave Buhler and Nancy Saxton

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

Councilmember Turner presided at and conducted the meeting.

#1. 7:04:47 PM The Council led the Pledge of Allegiance.

#2. 7:05:19 PM The Mayor presented recommendations to the Council regarding the **One-Year Action Plan** for proposed Community Development Block Grant (**CDBG**), Emergency Shelter Grant (**ESG**), American Dream Downpayment Initiative (**ADDI**), Housing Opportunities for People With AIDS (**HOPWA**), and Home Investment Partnership Program (**HOME**) funding and adopting an interlocal cooperation agreement between Salt Lake City and the U.S. Department of Housing and Urban Development (**HUD**).

Mayor Anderson presented his recommendations. See File T 06-1 for speech.

#3. 7:17:07 PM Councilmember Jergensen moved and Councilmember Simonsen seconded to **approve the minutes** of the Salt Lake City Council meetings held **February 21 and February 23, 2006**, which motion carried, all members present voted aye.

(M 06-3)

PUBLIC HEARINGS

#1. **RE:** 7:17:28 PM Accept public comment and consider adopting an ordinance **closing and abandoning a portion of 1500 North between Beck Street and Hot Springs Street** pursuant to Petition No. 400-05-23.

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

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Councilmember Jergensen moved and Councilmember Simonsen seconded to **adopt Ordinance 16 of 2006**, which motion carried, all members present voted aye.

(P 06-3)

7:18:45 PM QUESTIONS TO THE MAYOR FROM THE CITY COUNCIL

Councilmember Turner thanked Mayor Anderson for his efforts in Torino, Italy during the Winter Olympics. He said the Council had received positive comments from Alison McFarlane, Mayor's Senior Advisor for Economic Development.

Mayor Anderson said it was heartening to see the vast presence Salt Lake City had throughout the Olympic Games. He said the City could not have had more positive messages from the media, Torino and throughout the world during the games. He said Torino did not have the "all-present" image of the games that Salt Lake City had in 2002.

7:22:28 PM COMMENTS TO THE CITY COUNCIL

The following people spoke or submitted hearing cards on the proposed animal control ordinance: **Cindy Cromer; Lou Lingstuy1; Cara Lingstuy1; Clotilde Cannon; and Holly Sizemore.**

The following person spoke on the proposed Rowland Hall/St. Mark's rezoning: **Cindy Cromar.**

The following people spoke or submitted hearing cards on the proposed Gigante Supermarket and mall: **Ross Andra; Jena Burt; Jay Ingleby; Craig Thomas; and Marcus Theodore.**

UNFINISHED BUSINESS

#1. 7:36:54 PM RE: Adopting a resolution **adding the honorary title of "Karl Malone Drive"** to 100 South between 300 West and 400 West pursuant to Petition No. 400-06-04.

Councilmember Christensen moved and Councilmember Sorensen seconded to **adopt Resolution 16 of 2006**, which motion carried, all members present voted aye.

Councilmember Christensen said he felt Karl Malone had contributed much to the community and to the special sports franchise. He said he allowed youth to come to basketball games and to be involved in the community. He said the resolution was a small token in expressing appreciation.

Councilmember Turner said Mr. Malone was always available for the

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Glendale Community and would visit with the kids often at the Sorenson Center.

(P 06-6)

#2. 7:38:48 PM RE: Adopting a resolution of the City Council of Salt Lake City appointing a **Board of Equalization and Review for Salt Lake City, 900 South Main Street to 900 West Street Improvement Special Improvement District No. 102004** (The "District"); setting the dates for the Board of Equalization to hear and consider objections and corrections to any proposed assessments; authorizing the City Recorder to publish and mail a notice of meetings of the Board of Equalization and review; and related matters.

Councilmember Jergensen moved and Councilmember Christensen seconded to **adopt Resolution 17 of 2006**, which motion carried, all members present voted aye.

(Q 05-1)

7:39:22 PM CONSENT AGENDA

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

#1. RE: Setting the date of **April 4, 2006 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **rezoning property generally located at 1443 East Sunnyside Avenue** from Open Space (OS) to Institutional (I), and amending the East Bench Master Plan pursuant to Petition Nos. 400-05-08 and 400-05-09).

(O 05-31)

#2. RE: Approving the reappointment of **Curtis Anderson** to the **Housing Trust Fund Advisory Board** for a term extending through December 29, 2008.

(I 06-7)

The meeting adjourned at 7:39 p.m.

Council Chair

Chief Deputy City Recorder

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