

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, APRIL 18, 2006

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, April 18, 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	Jill Remington Love
Søren Simonsen	Eric Jergensen	Dave Buhler
Carlton Christensen		

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

Councilmember Buhler presided at and Councilmember Love conducted the meeting.

#1. 7:04:29 PM The Council led the Pledge of Allegiance.

#2. 7:04:57 PM University group presented a presentation regarding transit corridor zoning along 400 South between 200 East to 1000 East.

Michael Wilcox, Elisa Hamblin and Dr. Magded Senbal made the presentation to the Council.

#3. 7:09:06 PM Youth City Government presented the Youth State of the City report.

Anna Roth, Ben Murphy, Eboni Page, Sara Fitzpatrick, Don Willie, Nick Nunu, Jessica Sandberg, Flora Bernard, and Melia Amos presented the Youth State of the City Report.

#4. 7:34:31 PM Councilmember Jergensen moved and Councilmember Turner seconded to **approve the minutes** of the Salt Lake City Council meeting held **April 11, 2006**, which motion carried, all members voted aye.

(M 06-3)

PUBLIC HEARINGS

#1. 7:34:43 PM **RE:** Accept public comment and consider adopting an ordinance amending Section 5.75.455 of the Salt Lake City Code pertaining to maximum taxicab rates.

The following people spoke in support of the proposed ordinance: Mark Hatch; Don Barron and Dennis Flynn.

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

Councilmember Turner moved and Councilmember Buhler seconded to **adopt Ordinance 18 of 2006 raising the flag drop by 50¢**.

Councilmember Christensen asked if the increase in the revised ordinance was temporary. **Russell Weeks**, Council Policy Analyst, said the ordinance as written would put the increase in effect for six months. Councilmember Christensen asked the Council if they would consider a 25¢ permanent increase as proposed to a six month temporary increase. Councilmember Turner said he would accept that as a friendly amendment.

Councilmember Jergensen said he recommended they ask the Administration or Council staff to look at other options for flag rate. Councilmember Saxton said she was concerned that any flag drop increase would disproportionately affect those that take taxis locally. She said she wanted the decision to be permanent on an ongoing basis.

Councilmember Christensen moved and Councilmember Buhler seconded to **amend the motion**.

Councilmember Christensen said the City was currently going through a contractual process of awarding taxis. He said he did not want to spend a lot of resources and efforts when that could be included as part of the proposals. Councilmember Simonsen said he wanted to amend the motion to also include **looking at adding some specific provision to find a way to look at a formulate response**.

Councilmember Buhler asked Councilmember Simonsen to amend the motion with the idea that the Council come back and discuss this issue in six months. **Cindy Gust-Jenson**, Executive Council Director, said if the Council referred this issue to a future meeting it would be left open and they could come back to it without advanced process.

Councilmember Jergensen moved and Councilmember Buhler seconded to **amend the amended motion to request that the Council revisit the issue in six months where staff would work to present to the Council a more nimble way to approach this issue**, which motion carried, all members voted aye.

Councilmember Love called for the question **on the first amended motion**, which motion carried, all members voted aye.

Ms. Gust-Jenson clarified that the Council had approved a 25¢ flag drop longer term with a six months review at which time staff would come back with additional information.

(O 05-2)

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#2. 7:49:29 PM RE: Accept public comment and consider adopting an ordinance amending Chapter 8.04, Salt Lake City Code, relating to animal control.

The following people spoke or submitted hearing cards on the proposed ordinance: **Jaime Aalen; Maureen Frikke; Darla Ball; Donna Donkin; Stewart Gollan; Catherine New; Cara Lingstuyt; Susan Allred; Bill Dimmick; Polly Hart; Donalyn Germundson; Robert Lingstuyt; Holly Sizemore; Verrall May; Teresa Wilhelmson; Lou Lingstuyt; Nancy Cantor; Christopher Luck; Eric Waters; Ben Warden; Andrew Kalinen; Rebecca Campo; and A. Marie Dickerson.**

Councilmember Simonsen moved and Councilmember Christensen seconded to **close the public hearing and defer for future action**, which motion carried, all members voted aye.

(O 06-7)

COMMENTS TO THE CITY COUNCIL

The following people spoke or submitted speaker cards on the proposed ordinance **rezoning property at 1443 East Sunnyside Avenue (Rowland Hall-St. Mark's School)(Mt. Olivet Cemetery): Steve Alder; Kelly Patterson; Susan Koles; Robyn Matheson; Mary Jo Marker; Cary Jones; Bob Steiner; Bill Adams; Phil Carroll; Cindy Cromar; Diane Barlow; John Norman; Ellen Reddick; Jim Webster; Ryan Hoglund; Jordan Kimball and Eliot Brinton.**

The following person spoke about **Community Development Block Grant (CDBG) funding: Stewart Ralphs**, Executive Director of Legal Aid Society.

UNFINISHED BUSINESS

#1. 8:55:25 PM RE: Adopting a resolution authorizing the issuance and sale of up to \$115,600,000 principal amount of general obligation bonds to the City for purposes of **the Leonardo at Library Square and open space, park and recreational lands**; fixing certain maximum terms for the bonds; and providing for related matters.

Councilmember Simonsen moved and Councilmember Jergensen seconded to **adopt Resolution 24 of 2006**, which motion carried, all members voted aye.

(Q 04-7)

#2. 8:55:52 PM RE: Adopting an ordinance amending Section 15.08.020, Salt Lake City Code, relating to **park and playground closing hours.**

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Councilmember Buhler moved and Councilmember Turner seconded to **adopt Ordinance 19 of 2006.**

Councilmember Buhler said the ordinance changed the closing time from 11:00 p.m. to 10:00 p.m. for small neighborhood parks surrounded by residential areas and not lit for evening use. Councilmember Saxton said she would speak against the motion. She said she was sensitive to noise after a certain hour but summer evenings stayed light until 10:00 p.m. She said it was not unrealistic for people to be out enjoying the parks.

Councilmember Turner said he would support the motion. He said the Police Department was in favor of the proposed ordinance because they felt there would be less neighborhood crime. He said several community councils also supported the proposal.

Councilmember Jergensen moved and Councilmember Simonsen seconded to **remove City Creek Park in District 3 from the time limit.**

Councilmember Jergensen said one concern he had was that City Creek Park while technically a mini park was not a park that would apply to the 10:00 p.m. hour. He said people who enjoyed downtown Salt Lake City and the walkable communities used City Creek Park to access neighborhoods in the Avenues, the Capital Hill area and the Memory Grove area. He said it could cause enforcement issues. Councilmember Buhler said he would support the amendment.

Councilmember Love called for the question **on the amendment to the motion**, which motion carried, all members voted aye.

Councilmember Love called for the question **on the original motion**, which motion carried, all members voted aye except Councilmember Saxton who voted nay.

(O 06-8)

#3. 8:59:19 PM RE: 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.

Councilmember Buhler moved and Councilmember Simonsen seconded to **adopt Ordinance 21 of 2006 and to include the development agreement as an attachment.**

Councilmember Buhler said if adopted the motion would approve rezoning the northern 2/3's of the property from open space to institutional keeping the southern 1/3 designated as open space. He said the motion included several restrictions through a development

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agreement and the conditions would be binding on the property and any future owners. He said the petition was previously considered by the Planning Commission who recommended the request be denied. He said the Planning Commission's recommendation was not supported by four out of five of their own findings of fact. He said the motion improved upon what was originally petitioned and heard by the Planning Commission. He said this petition would protect open space better and more permanently than the open space zone.

Councilmember Buhler said if the City turned this petition down there could be another buyer. He said the University of Utah (U of U) had reaffirmed their interest and made no guarantee beyond 30 years that the land would remain open space. He said the proposed ordinance and development agreement had been crafted to lock in protections to ensure that what was being proposed would actually occur.

Councilmember Buhler said his motion also included an amendment to the East Bench Master Plan. He said the master plan's future land use map originally designated the property institutional. He said the future use zoning map made no distinction between Mt. Olivet Cemetery, the National Guard Armory, the U of U or the Veterans Hospital. He said the master plan was amended in 1995 as part of the City-wide rezoning. He said at that time the property's zone was changed from R-2 which allowed cemeteries and institutional uses to open space. He said the reversionary clause held by the Federal Government restricted use of the property to a cemetery.

Councilmember Buhler said his motion made the City's action contingent upon Congress removing that restriction. He said he felt the restriction would be removed because sale of the property would provide Mt. Olivet with needed funds to continue its important mission for years to come. He said the motion preserved over four acres as open space. He said the motion also put new restrictions on building structures on the land that currently did not exist as well as limiting the amount of building on the rezoned parcel. He said a new trail would open to pedestrians from the south providing access to the open space or Mt. Olivet Cemetery.

9:12:50 PM Councilmember Christensen said he supported the motion and felt this was a land use issue. He said the cemetery was an historical treasure. He said he checked competing traffic demands on properties across the street on Sunnyside. He said he was surprised to find approximately 100' to 150' of non accessible property with no driveways or competing needs. He said as he considered the proposal with the tentative agreement it seemed to be a compatible use with additional value. He said compatibility with the adjoining cemetery was an issue and he felt comfortable looking at this proposed use and plan as an acceptable and compatible land use change.

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9:17:07 PM Councilmember Turner said he supported the motion. He said compromises were needed on land uses. He said the community had their own ideas for the future and it was the future the Council was trying to address. He said he agreed with Councilmember Christensen that the uses were the best the City was going to get. He said he wanted to see the cemetery maintained.

9:19:36 PM Councilmember Jergensen said the purpose of the open space zoning district was to preserve or protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas. He said several years ago the Council approved an open space ordinance which outlined three priorities: 1) the need to protect diminishing open lands within Salt Lake City or its environs; 2) the City adopted open space master plans to identify, protect and manage open lands; and 3) the City's General Plan Zoning Site Development Ordinance recognized the need to protect the unique values offered by wetlands, foothills and urban trails as much as possible by being publicly accessible. He said the City's Strategic Plan and Futures Commission Reports desired that the City was designed to the highest aesthetic standards and as pedestrian friendly, convenient and inviting but not at the expense of minimizing environmental stewardship or neighborhood vitality.

Councilmember Jergensen said the master plan defined policy for connecting open space and amenities and did not provide land use policy. He said no other options were available. He said he felt the benefits of the proposal to the community were great. He said it allowed development and public use of the space at no cost to the City. He said they had an opportunity to make this open space a benefit to all with trails and recreational facilities.

9:31:16 PM Councilmember Saxton said this issue had served to create an increased awareness of the historical and importance of Mt. Olivet in the community. She said the cemetery was important not only to the Federal government but to Salt Lake City as well. She said Roland Hall had a good reputation and the needs of Mt. Olivet were sincere. She said Roland Hall was a good steward of the land. She said Mt. Olivet had shown extreme sensitivity to the land over the years. She said Mt. Olivet had a real financial issue before them and huge responsibilities with limited resource.

Councilmember Saxton said the Council was bound by the existing master plan but they had the ability to change it. She said the Council was committed to open space. She said they had initially authorized a \$3 million bond. She said before the bond went out for a vote the Council raised the bond to \$5 million. She said the reason for relinquishing open space in the community needed to be compelling. She said this was irreplaceable prime space. She said they would never gain open space to replace it in that area again.

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Councilmember Saxton said there were other options for Roland Hall. She said she would be willing to change the zoning on this parcel of land if there were no other options. She said the City was limited in open space and this space should not be built on but left to the public's trust. She said decisions should be made on good public policy. She said she wanted to encourage the Council to reconsider or at least postpone the decision and look for other options. She said she would be voting against the motion.

9:39:24 PM Councilmember Simonsen said when this issue was first addressed he chose to vote against the motion because it was clear they were not headed in the right direction. He said he had dedicated his life and profession to developing a study and implementation of great urban places. He said the event that had precipitated this action was the financial solvency of Mt. Olivet. He said he would always consider public benefit, sustainability, social impacts and environmental impacts before making any land use decisions.

Councilmember Simonsen said the City did not create open space, they could only alter it or destroy it. He said there were solutions for Roland Hall/St. Mark's School that did not require a rezone. He said one of the fundamental issues was that other options had not been considered by the Council. He said some options were sufficient capacity to develop in existing developed areas else where in the City. He said there was sufficient capacity within existing properties to add additional floor area where Roland Hall/St. Mark's was currently located. He said there were adjacent parcels that within the timeframe of 10 to 15 years could be acquired, renovated or redeveloped.

Councilmember Simonsen said there were solutions for Mt. Olivet that did not require a rezone. He said there had not been a capital campaign to raise funds. He said there was already an established lease option in place with the Salt Lake City School District which could be considered and replicated. He said that would allow Roland Hall/St. Mark's or any number of potential leasers to use the land in a way that would not preclude its eventual and designated use as a cemetery. He said there were City, State and private funding sources for acquisition of significant open space areas. He said there were many open space needs in the community which were not adequately addressed and would be further frustrated by this rezone.

Councilmember Simonsen said there had been speculation of acquisition by the U of U. He said the U of U was not any worse land steward than any other agencies institutional or otherwise that use the City. He said this decision would impact generations. He said he did not want to sell this inheritance. He urged the Council to vote against this action.

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9:47:37 PM Councilmember Love said the Council had known this complicated and controversial issue was coming for approximately two years. She said there had been a 15-year battle to preserve the land by some people. She said the easy vote would be to leave it zoned open space. She said she believed the more prudent vote for the citizens of Salt Lake City was to rezone 2/3's of the property institutional and enter into a 100 year contractual relationship with Roland Hall that outlined important uses of the property. She said the contract would go with the property if sold to another user. She said she felt they had reached a fair agreement with Mt. Olivet. She said this was privately owned property and it appeared the owner needed to sell it. She said two of the likely buyers would not feel compelled to negotiate with the City on use of the property.

Councilmember Love said one of those buyers was still interested in the property and could only guarantee its open space for 25 years. She said Roland Hall would build soccer fields at the southern end of the property and make them available for public use. She said they had agreed to a trail connecting Sunnyside Avenue to the cemetery and the cemetery would complete the trail system. She said the most valuable asset this piece of property and open space offered was a spectacular view corridor. She said trails would preserve those views and open space for everyone to enjoy.

Councilmember Love said many people wanted to give the neighborhood more time to work on a financial package to buy the land. She said Roland Hall petitioned the City over a year ago and no alternatives have come forward. She said the neighborhood's solutions included a significant investment of City dollars in order to preserve the land as open space. She said these were dollars the City did not have. She said the alternative before the Council included partnering with the U of U. She said Roland Hall deserved an answer on their petition.

Councilmember Love said it had been suggested that the Council did not care about open space. She said she wanted to set the record straight. She said the Council had voted to deny a disconnect petition from North Salt Lake. She said they voted on a compromise with Romney Lumber that limited development and preserved hundreds of acres of open space. She said the Council established an open space zone and applied it to property above Beck Street and established an Open Space Lands Program Fund and Advisory Board. She said they initiated critical land inventory and open space zoning definitions. She said they initiated a foothill hillside slope area reevaluation project that was under way. She said they funded trail development along the Bonneville Shoreline Trail, the Parley Rails Trail and the Jordan River Parkway. She said they continued the Public Utilities Watershed Preservation Program.

Councilmember Love said this was an enormous opportunity to

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protect open space without spending any money. She said this had been inaccessible open space to the public and the neighborhood had enormous open space needs. She said it was not perfect but it was a good deal and the City could move on to protect and maintain other valuable projects.

9:54:05 PM Councilmember Saxton moved and Councilmember Simonsen seconded to **postpone the vote and allow a lease option, fundraising options and alternative open space definitions to come to the Council to look at other options that could be pursued.**

Councilmember Saxton said sometimes as open space advocates they forgot that open space itself was a viable option. She said sometimes the intrinsic value was just the land and that the City could leave it for generations to come to decide how to use it. She said the City did not have to control, develop or have a specific use for the property. She said they did have problems with the definition of what was allowed in open space. She said the administration was working to come back to the Council with options and revisions on what could be used. She said she was asking the Council for more time with the community to find viable options.

9:55:48 PM Councilmember Simonsen said he had not been involved with this action over the period that some Council Members had but he had yet to see any evidence of viable alternatives being considered. He said the Council needed to look at what options might be considered with funding that was just authorized.

Councilmember Love called for the question **on the substitute motion**, which motion failed, Council Members Simonsen and Saxton voted aye and Council Members Buhler, Love, Jergensen, Turner, and Christensen voted nay.

Councilmember Love called for the question **on the original motion**, which motion carried, all members voted aye except Council Members Simonsen and Saxton who voted nay.

(P 06-7)

#4. 9:57:11 PM RE: 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 an interlocal cooperation agreement between Salt Lake City and the U.S. Department of Housing and Urban Development.

Councilmember Christensen moved and Councilmember Turner seconded

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to approve all but CDBG Item 6 which action would be taken on at the end of the meeting, which motion carried, all members voted aye.
(T 06-1)

#5. 9:57:41 PM RE: Requesting that the Administration hold a hearing at 5:00 p.m. on April 20, 2006 regarding a transfer of title for property located at 200 South and 600 West known as the intermodal hub, to UTA.

Councilmember Christensen moved and Councilmember Simonsen seconded to not call for an administrative hearing but refer this issue to April 20, 2006 at 7:00 p.m. at which time a public hearing satisfying the Doug Short requirement was already scheduled, which motion carried, all members voted aye.
(W 06-4)

CONSENT AGENDA

9:58:57 PM Councilmember Jergensen moved and Councilmember Turner seconded to approve the Consent Agenda, which motion carried, all members voted aye.

#1. RE: Adopting Resolution 25 of 2006 authorizing the approval of the 2006 Financial Plan for the Collection Agreement between Salt Lake City Corporation and the USDA Forest Service, Wasatch-Cache National Forest.
(C 02-313)

#2. RE: Adopting Ordinance 20 of 2006 amending Sections 12.24.020 and 12.56.120, Salt Lake City Code, to change the words "Handicapped" and "Disabled" (or variations thereof), when referring to persons, to the term "Persons with Disabilities."
(O 06-9)

#3. RE: Requesting that the Administration not hold a hearing at 5:00 p.m. on May 4, 2006 regarding a request by the Utah Department of Transportation to acquire property owned by Public Utilities. An easement will be retained for access and cleaning of the drainage canal. Compensation will be tendered.
(W 06-4)

#4. RE: Approving the appointment of Dale Lambert to the Open Space Lands Board for a term extending through March 1, 2010.
(I 06-13)

9:59:41 PM Councilmember Christensen moved and Councilmember Jergensen seconded to adopt CDBG Item No. 6, which motion carried, all members voted aye except Councilmember Sorensen who was recused for the

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vote.
(T 06-1).

The meeting adjourned at 10:02 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 April 18, 2006.

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THURSDAY, APRIL 20, 2006

The City Council of Salt Lake City, Utah, met in Regular Session on Thursday, April 20, 2006, at 7:00 p.m. in Room 326, Committee Room, 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
Carlton Christensen		

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

Councilmember Buhler presided at and conducted the meeting.

PUBLIC HEARING

#1. 7:08:10 PM RE: Accept public comment regarding (i) the conveyance by Salt Lake City to **Utah Transit Authority (UTA)** of the Salt Lake City **Intermodal Hub** situated west of 600 West Street, and south of 200 South Street, consisting of approximately **16.5 acres**, and all existing improvements, (ii) the assignment of all City leases and agreements related to the Salt Lake City Intermodal Hub, and (iii) the granting by Salt Lake City to UTA of rights to use City streets to construct and operate a light rail extension from the Delta Center station to the Salt Lake City Intermodal Hub. (A **study** setting forth an analysis of and demonstrating the purpose for these transactions has been prepared and is available for review by interested persons at the office of the Salt Lake City Recorder in Room 415 of the City and County Building during normal business hours.)

Councilmember Love moved and Councilmember Christensen seconded to **close the public hearing**, which motion carried, all members voted aye. (C 06-194)

UNFINISHED BUSINESS

#1. 7:08:40 PM RE: Adopting an ordinance (1) approving and authorizing the execution and delivery of an interlocal agreement by and between Salt Lake City Corporation and Utah Transit Authority (UTA) (a) relating to the design, construction, ownership and funding of an extension of the **TRAX light rail line** from the Delta Center Station to the Salt Lake City Intermodal Hub, (b) providing for two light rail stations between the Delta Center Station and the Intermodal Hub, (c) providing for the conveyance by Salt Lake City of the **Intermodal Hub site** and the improvements thereon to UTA, and (d) providing for other related matters; (2) authorizing the assignment to UTA of certain

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contracts relating to the Salt Lake City Intermodal Hub and the TRAX extension project; (3) authorizing the execution and delivery of a **Public Way Use Agreement** granting to UTA certain City street surface use rights for operation of the light rail extension; and (4) authorizing and approving the execution and delivery of all documents necessary to consummate the foregoing transactions; and related matters. (Relating to the TRAX extension project, extending light rail service from the Delta Center Station to the Salt Lake City Intermodal Hub; the granting by Salt Lake City to UTA of certain City street surface rights for the operation of such light rail extension; the conveyance of the Salt Lake City Intermodal Hub to UTA; and related matters)

Councilmember Jergensen moved and Councilmember Simonsen seconded to **adopt Ordinance 22 of 2006.**

Councilmember Buhler asked if the motion included changes recommended by the City Attorney's Office during the Work Session meeting. Councilmember Jergensen said yes.

Councilmember Buhler called for the question, which motion carried, all members voted aye.
(C 06-194)

7:11:41 PM Councilmember Saxton said she wanted the Council to consider a motion to reconsider or re-open the Community Development Block Grant (CDBG) program which was adopted at the previous meeting. Discussion was held on whether or not a motion could be considered since the item was not on the agenda. The Council asked for direction from **Edwin Rutan**, City Attorney. After reviewing the statue, Mr. Rutan said he did not believe a motion could be made based on open meeting law requirements. He said he also reviewed emergency provisions but felt they did not apply in this situation.

CONSENT AGENDA

7:15:40 PM Councilmember Simonsen moved and Councilmember Turner seconded to **approve the Consent Agenda**, which motion carried, all members voted aye.

#1. RE: Approving the appointment of **Matthew T. Wirthlin** to the **Planning Commission** for a term extending through July 1, 2007.
(I 06-15)

#2. RE: Approving the appointment of **Mary Green** to the **Housing Authority** for a term extending through October 27, 2009.
(I 06-1)

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#3. RE: Approving the reappointment of Tom Berggren to the Board of Adjustment for a term extending through December 31, 2010.
(I 06-16)

The meeting adjourned at 7:50 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 April 20, 2006.

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