

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 17, 2006

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, October 17, 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	Carlton Christensen
Jill Remington Love		

Mayor Ross C. "Rocky" Anderson; 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. 7:00:26 PM The Council led the Pledge of Allegiance.

#2. 7:00:51 PM Councilmember Buhler moved and Councilmember Jergensen seconded to **approve the minutes** of the Salt Lake City Council meeting held **October 10, 2006**, which motion carried, all members voted aye.

(M 06-3)

PUBLIC HEARINGS:

#1. 7:03:02 PM **RE:** Accept public comment and consider adopting a resolution relating to a **study** performed in compliance with Utah Code Section 10-8-2 in connection with a **Pilot Heat Pump Project** to be undertaken by Salt Lake City and **Lear Holdings, LLC**, and authorizing the use of public resources in connection with such pilot project. View Attachments

Jerry Bergosh spoke in favor of the proposal. He said he wanted to use the technology at his personal residence and hoped data gathered from the project would be shared with the general public.

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

Councilmember Jergensen moved and Councilmember Turner seconded to **adopt Resolution 72 of 2006**.

Councilmember Christensen said the proposal looked promising and asked **LeRoy Hooton**, Public Utilities Director, to confirm that information obtained through the study would be made available to the

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 17, 2006

public. Mr. Hooton said he understood the data would be shared with Mr. Lear and then made available to the public.

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

(R 06-24)

#2. 7:06:01 PM RE: Accept public comment and consider adopting an ordinance enacting **expedited approval processes** for temporary construction-related activities in a portion of the **downtown area**, which is bounded by **North Temple; 600 South; Interstate 15; and 200 East**, and granting the authority to City administrative staff to modify certain City regulations for construction-related activities pursuant to Petition 400-06-32. View Attachments

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

Councilmember Buhler moved and Councilmember Simonsen seconded to **adopt Ordinance 74 of 2006**.

Councilmember Jergensen thanked Planning and Community Development for their willingness to discuss/address noise and construction issues that impacted neighborhoods in both he and Councilmember Saxton's districts. He said these issues were critical to residents and he supported the modified ordinance.

Councilmember Saxton said living in downtown had positive aspects but residents lives could be disrupted by congestion, construction and noise. She said while it was important to allow buildings/developments to progress expeditiously, the City needed to be aware of residents activities/needs and protect their living space.

Councilmember Buhler said the Administration accepted the Council's recommendation to provide a five-day written notice for expedited process applications. He said the Council then had five days to provide comments back to the Administration. He said he felt the process would work well and help keep the Council informed. He said if the Council had concerns the issue could be revisited.

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

(O 06-33)

#3. 7:09:04 PM RE: Accept public comment and consider adopting an ordinance enacting **Chapter 15.30** of the Salt Lake City Code, **prohibiting smoking in City parks, recreational areas, cemeteries and near mass gatherings**. View Attachments

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 17, 2006

The following spoke or submitted written comments in favor of the proposal: **Mike Ferguson, Kenya, Anna Winn, Patrick Chase, Michael Siler, Douglas Cotant, Christian Kesselring and Rasiimi Gopinath.** Comments included false image of tobacco industry, dangerous health consequences, children ingesting cigarette butts, teen advocates against tobacco, smoke free parks, protecting children, litter, poison, dangers of secondhand smoke, environmental factors, cancer causing substances, smoke-free events, heart/lung disease and air pollution.

Bonnie Mangold, Rhea Bouman, Jon Bauer and Anna Sperry spoke or submitted written comments in opposition of the proposal. Comments included detrimental societal trends, substitution of laws for personal responsibility, less motivation to exercise free agency, outlawing other substances, avoiding smokers, impact of passing more laws, comparing smoking to other pollutants, restrictive nature of ordinance and education versus restrictions.

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

Councilmember Buhler moved and Councilmember Turner seconded to **defer the matter to a meeting in November, 2006.**

Councilmember Buhler said he was in favor of passing the ordinance but felt as a result of prior discussions and citizen comments, more time was needed to consider refining the proposed ordinance. He said he intended to place the item on one of the three formal meetings scheduled in November.

Councilmember Simonsen said he wanted to adopt an ordinance which would provide valuable health, safety and welfare benefits to the public. He said he felt the proposed ordinance set out to accomplish that but fell significantly short. He said he was concerned the ordinance did not address the negative aspects of smoking in other public areas such as bus stops and sidewalks. He said he supported the motion to defer because he wanted to see the Council prepare an ordinance which would be meaningful/ground breaking.

Councilmember Saxton said she felt the City was headed in the right direction and would support the proposal without further delay. She said research showed that smoking was harmful to surrounding people and she appreciated the Administration bringing the proposal forward. She said she felt the main emphasis was educating the public. She said she wanted more people to use public transit and would support an amendment which included bus stops. She said people living near bus stops were often negatively impacted by smoke and cigarette butts. She said smoking negatively impacted golf courses and other attractive public areas and needed to be banned.

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 17, 2006

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

(O 06-34)

COMMENTS TO THE CITY COUNCIL 7:29:50 PM

Douglas Cotant spoke concerning the preservation of historical buildings in the downtown area.

Bonnie Mangold thanked Councilmember Jergensen for his efforts in facilitating a resolution regarding traffic/parking concerns in Capital Hill neighborhoods.

CONSENT AGENDA 7:33:11 PM

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

#1. RE: Adopting Ordinance 75 of 2006, (The "2006 Assessment Ordinance") approving the assessment list and levying an annual assessment upon property in Salt Lake City, Lighting District No. 2, now known as L02 (The "District L02"); establishing the effective date of the 2006 assessment ordinance; providing for a procedure to **contest an assessment**; and related matters. View Attachments
(Q 06-11)

#2. RE: Approving the re-appointment of **James Jenkin** to the **Transportation Advisory Board** for a term extending through September 28, 2009.
(I 06-27)

The meeting adjourned at 7:33 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 October 17, 2006.

sc