

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JULY 17, 2007

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, July 17, 2007 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	Dave Buhler
Nancy Saxton	Dave Buhler	Søren Simonsen
Jill Remington Love		

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

Councilmember Turner presided at and Councilmember Love conducted the meeting.

#1. 7:12:01 PM The Council led the Pledge of Allegiance.

#2. 7:12:22 PM Councilmember Christensen moved and Councilmember Turner seconded to approve the minutes for the Salt Lake City Council meeting held July 10, 2007, which motion carried, all members voted aye. View Attachments

PUBLIC HEARINGS

#1. 7:13:25 PM RE: Accept public comment and consider adopting a resolution accepting a study performed in compliance with Utah Code Section 10-8-2 and approving an appropriation of \$17,500 for planning costs of a bicycle transit center at the intermodal hub. View Attachments

The following people spoke or submitted hearing cards in favor of the bicycle transit center at the intermodal hub: Polly Hart, Kirk Huffaker, Alex Smith, Cory Bailey, Jennifer Milner, Lacey Gaechter; James Comeford, Raymond Evans, Dr. Dan Fazzini, Jonathan Morrison, Adam Bowles and Heidi Schubert.

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

Councilmember Jergensen moved and Councilmember Turner seconded to adopt Resolution 48 of 2007.

Councilmember Simonsen moved that the funds be specifically used toward the rehabilitation of the north building of the intermodal hub. There was no second.

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Councilmember Saxton asked if the building was used for retail would that preclude the ability of the building to be used seven days a week, 24 hours a day. Councilmember Simonsen said the building could be subdivided to handle the intermodal center and private retail. **Jordan Gates**, Mayor's Environmental Advisor, said they had not officially discussed sighting the location in the north building. He said funds were going towards a plan that not only studied the location within the intermodal hub but also alternative locations if another location was deemed appropriate.

Councilmember Simonsen said the building had been vacant since the hub was completed. He said it was a prime corner and located on the 200 South primary bicycle route into downtown Salt Lake City. He said there could be other possible sites but he felt it was in the City's best interest to protect the long term management of the facility.

Councilmember Jergensen said he was not prepared to commit to the use of the north building because there was not enough information. He said the Council could approve the resolution allocating the money with the intent there be serious consideration of the north building.

Councilmember Simonsen moved and Councilmember Buhler seconded that along with the allocation of funds that the Council strongly encourage the expiration of using those funds in the north building at the intermodal hub.

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

Councilmember Love called for the question on the original motion, which motion carried, all members voted aye.
(C 07-381)

#2. 7:22:10 PM RE: Accept public comment and consider adopting an ordinance amending Section 5.72.455, Salt Lake City Code, pertaining to **maximum taxicab rates** (the proposed ordinance would increase the mileage rate taxicab drivers may charge customers from \$1.80 to \$2 per mile.) View Attachments

The following people spoke or submitted hearing cards in favor of the mileage increase: **John Holt** and **Armand J. Lacaille**.

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

Councilmember Christensen moved and Councilmember Buhler seconded to adopt Ordinance 52 of 2007.

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Councilmember Saxton asked if the motion allowed for costs to go up or down according to the cost of doing business. Russell Weeks, Council Policy Analyst, said this set a maximum rate and cab companies could always lower their prices if they felt there was a need. Councilmember Christensen said the City has been in the process of modifying how the ground transportation industry would be regulated. He said part of that would include a more flexible scale.

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

(O 05-2)

#3. 7:27:40 PM RE: Accept public comment and consider adopting an ordinance amending certain Sections of Chapter 5.71, Salt Lake City Code, relating to permission for drivers to conduct ground transportation business activities in the City, including requirements for criminal history background checks, and making necessary amendments to coordinate with certain Sections of Chapter 5.72, Salt Lake City Code, relating to drivers of taxicabs and Chapter 5.76, Salt Lake City Code, relating to drivers of vehicles transporting persons with disabilities. View Attachments

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

Councilmember Buhler moved and Councilmember Saxton seconded to adopt Ordinance 48 of 2007.

Councilmember Buhler said the Council had been working on this issue for several years. He said Council Members were involved with the airport and State Legislature. He said it was important to change the law because of public safety.

Councilmember Simonsen said he would be voting against the motion. He said it unfairly targeted a specific number of people. He said the motion did not include buses, shuttles or other vehicles which operate within the airport's security area. He said it did not address passengers who arrive by taxi, shuttle buses or other means.

Councilmember Saxton said if ground transportation had access to the inner lane at the airport they all had the same background check. Councilmember Buhler said it was different with passengers because they were not in the inside lane day after day.

Councilmember Love called for a roll call vote, which motion carried, all members voted aye except Councilmember Simonsen who voted nay.

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(O 05-2)

7:30:22 PM QUESTIONS TO THE MAYOR FROM THE CITY COUNCIL.

Councilmember Christensen asked about the potential danger of fireworks. He asked if the City still felt comfortable with the status of the ban. Lyn Creswell, Chief Executive Officer, said he would talk to the fire marshal and respond. He said yes they were concerned about the safety of the community. Councilmember Jergensen asked if there was intent to propose a ban on fireworks. Mr. Creswell said there was no intent at this time.

7:31:29 PM COMMENTS TO THE CITY COUNCIL

Cindy Cromar spoke concerning the purpose and functioning of the Land Use Appeals Board (LUAB).

Douglas Cotant spoke concerning skateboarders and raising the fine to \$400.

Jim Garside asked if anyone had the number on how much profit Salt Lake City made for surplus water sales outside the City limits to the County.

The following people spoke in opposition to the proposed picketing ordinance: Jasone Rose and David Berg.

The following people spoke or submitted hearing cards in support of keeping Parley's Historic Nature Park a permitted dog off-leash area: Rita Lund; Julie Bryan; Corey Stone; Kris Lander; Richard Mingo; Ken Levin; Jeremy and Janelle Heiser; Karen Guthrie; Holly Bateman; Tonia VanMoorhem; the Bardugon family; Kyle Shannon; Bradley Edwards; Julie Jensen; Maureen Frikke; Amanda Moore; Frosty Call; Linda M. Houtz; Leoni Silva; Carl Fisher; Chris Aidelin; Graham Wallace; John Griswold; Stephanie Skaggs; Deb Dolph; David Pedrazas; Kyna O'Neill-Pettyman; Amy Bruderer; Joanna Marusienski; Alicia Adair; Wendelyn Sears; Chris Witty; Ellie Nicholson; Wendy Bates; Rachael Mathey; Kimberlee C. Myers; John Fendt; Carol Shinkoskey; Greg Kirby; Misty Patey; Sara Nye; Rebecca Vala; Layna Hurst; Marjorie Carter; Lissa Lander; Jo Hinsdale; Michael Gibson; Katie Patterson; Hi Evan Gibson; Keltsey Kissell; Debra Patey; Ben Sears; Duncan Reynolds; Stan Thomas; Carrie Smith; Sophia Therese Pitakis; Aimee Williams; Marie Dickerson; Suzanne Tronier; Karen Chang; Jennifer Milner; Julie Bjornstad; Jennifer de Tapia; Dereck Gibson; Carrie Gibson; Lisa Cover; Melinda Boswell; Shannon Orr; Wendelyn Sears; Dayna Pack and Ken VanMoorhem.

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The following people spoke or submitted hearing cards in opposition to keeping Parley's Historic Nature Park a permitted dog off-leash area: Brenda Upright; Kyle Meadows; Jeff Salt; Ann Wechsler; David Vala; Dri Ty Harrison; Emil Kmet; Jared Olds; Susan Upright and W. Warren Owens.

UNFINISHED BUSINESS

#1. 8:29:46 PM RE: Adopting a resolution authorizing the execution of a cooperative agreement between Salt Lake City and Utah Department of Transportation for design and construction reimbursement for reconfiguration of tracks north of Roper Yard.

Councilmember Simonsen moved and Councilmember Saxton seconded to adopt Resolution 49 of 2007, which motion carried, all members voted aye.

(C 07-393)

#2. 8:30:09 PM RE: Adopting an ordinance enacting Section 11.12.120, Salt Lake City Code, prohibiting targeted picketing of individuals' residences.

Councilmember Jergensen moved and Councilmember Buhler seconded to adopt Ordinance 51 of 2007.

Councilmember Jergensen said the proposed ordinance was aimed at harassment. He said the Constitution provided freedom of speech and the proposed ordinance was not meant to proscribe that freedom of speech. He said there were many opportunities in the City and in neighborhoods for freedom of speech. He said the ordinance did not allow specific targeting of picketing or other activities defined as picketing in particular neighborhoods because there needed to be a balancing of the right of freedom of speech and the right of privacy.

Councilmember Simonsen moved and Councilmember Saxton seconded to table this item for a future Council meeting given the fact that there were still some unresolved issues which have been part of the discussions.

Councilmember Simonsen said the intent of the motion was to maintain peace and an orderly atmosphere in neighborhoods. He said people could still demonstrate because that right was guaranteed under the Constitution. He said the ordinance moved picketing a few feet further away from somebody's private residence. He said he hoped the Council would work through unresolved issues.

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Councilmember Saxton said she had similar concerns. She said the 100 foot designation would move the disturbance to an abutting property owner. She said that was not right. She said she felt the ordinance should be tabled for more discussion because 100 feet did not solve the problem.

Councilmember Love said she wanted to speak against the substitute motion. She said further study would not change the content of the ordinance. She said the intent was to create a sense of privacy for the individual who was being targeted and harassed in their home. She said they were not limiting freedom of speech.

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

Councilmember Love called for a roll call vote on the original motion, which motion carried, Council Members Buhler, Jergensen, Turner, Christensen and Love voted aye and Council Members Simonsen and Saxton voted nay.
(O 07-19)

#3. RE: 9:18:37 PM Adopting a resolution authorizing the approval of an interlocal cooperation agreement between Salt Lake City Corporation (City Recorder's Office) and Salt Lake County (County Clerk Election's Division) regarding the County providing election assistance services to the City.

Councilmember Christensen moved and Councilmember Turner seconded to adopt Resolution 47 of 2007.

Councilmember Buhler expressed his concern about elimination of polling places as well as some polling places picked by the County Clerk. He said he felt they were limiting access to the polls making it more difficult for people to exercise their right to vote. He said hopefully the Administration would work to educate the voters about where the new polling locations were, how they could vote early and how to obtain absentee ballots.

Councilmember Christensen said he thought they should continue to advocate. He said as issues on the ballots became more County-wide, the County needed to look at the proportion of costs. He said the City should receive an equal amount of credit as those in the unincorporated County. He said there was no reason the City's residents should have to pay twice for the right of someone else to vote.

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Councilmember Simonsen said he felt particularly disenfranchised in District 7 because they appeared to have lost a significant number of polling stations compared to other City districts. He said they should consider forwarding a resolution to the State of Utah indicating their dissatisfaction with how this general referendum has been handled and funded.

Councilmember Saxton said she was going to be voting aye in protest.

Councilmember Love called for the question, which motion carried, all members voted aye.
(C 07-378)

#4. 8:39:22 PM RE: Adopting an ordinance, resolution or motion to a proposal to amend sections of Salt Lake City Code that would designate Parley's Historic Nature Park as a permitted dog off-leash area.

Councilmember Jergenson moved and Councilmember Turner seconded to adopt a motion establishing the Parley's Historic Nature Park as an off-leash area with the following legislative intents with the understanding that modifications may be based upon the findings of the short term interim management plan and upon the long term findings of the master plan/management plan developed later: 1) accept the attached Parley's Historic Nature Park's working group's findings and recommendations including: a) develop a master plan/management plan for the park including a time length for implementation subject to Council approval, b) appoint a Park Advisory Board to provide stewardship for the park, c) provide financial resources for implementation of the master plan/management plan including strong enforcement within the park, d) recognize that the park has multiple, legitimate users, e) develop and strengthen partnership with the County with respect to maintenance and management of the park; 2) accept the proposal from Utah Open Lands to perform a baseline assessment, including documentation of the current ecological conditions, to be completed without delay; 3) as part of the working group's recommendations, develop an interim management plan to be put in place within 30 days, in coordination with the City Council subcommittee, to identify environmentally sensitive areas that are to be closed to access during interim period nesting areas or other sensitive wildlife areas that are to be closed on a seasonal basis, while leaving other areas open for off-leash, BMX and other specific uses. This plan would have timelines for the achievement of specific goals; during the interim period. Also during the interim period the trail and abutting areas from the

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entrance just east of Tanner Park from the trailhead to the bridge in the park shall be designated as an on-leash area until the alternate on-leash entrance can be established; 4) develop a long term master plan/management plan, subject to Council approval. The plan would recommend long term preservation items including but not be limited to: a) Protection of environmentally sensitive areas off main trails; b) protection and management of stream beds; c) identification of boundaries for a recognized BMX area; d) protection and preservation of wetlands; e) planning for main "junction" areas likely to be heavily trafficked and other issues relating to the varying intensities of uses around the park; f) enforcement of closed areas and other park rules; g) remediation and cleanup of asphalt pieces, tar, and other debris, as identified in the master plan/management plan; h) addressing ADA accessibility issues and identifying options; i) identification of areas that could be best protected by boardwalks; j) identification of necessary financial resources to address the goals of the master plan/management plan; k) evaluating opportunities to work with other government agencies including Salt Lake County, UDOT, and other federal agencies to: i) remediate environmental issues caused by previous actions of those entities; ii) find collaboration with enforcement; iii) find joint opportunities to provide financial resources. h) Identification of potential additional parking areas and evaluation of how to manage special circumstances such as drought conditions; 5) explore opportunities to establish an additional entrance to Parley's Historic Nature Park at the northeast corner of Tanner Park that could be combined with additional sections in the western area of the park by streambed, designated as an on-leash area and, with proper engineering, an ADA access area, and I further move that the Council express its commitment to identify additional areas within the City that can be designated or acquired as off-leash areas according to the evaluation criteria in the present City resolution.

Councilmember Saxton requested that an enforcement person specifically earmarked for this park be funded immediately. She said she had visited the park many times and rules were not enforced. She asked Councilmember Jergensen to include the number of dogs allowed at any one time and a total number of dogs allowed in the park on any given day to the motion.

Councilmember Christensen said this item dealt with a balance of the right of privacy, the pursuit of liberty and free speech. He said after walking through the park he noticed many competing demands. He said until the Council was able to achieve a balance, the proposed

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ordinance was a place to start. He said off-leash was an appropriate use in the park.

Councilmember Turner said the City needed a better management plan. He said people bought their homes close to the area because they wanted to walk to the park. He said this should be a neighborhood park. He said residents should not have to clean up after the whole County. He said he supported the motion.

Councilmember Simonsen said there was a 30-day provision to prepare an interim management plan. He said his concern was that it might take 30 days to put a group together. He said he wanted to make sure they had enough time to assemble a group and accomplish the work.

Councilmember Jergensen said the idea was that the Administration would work under Rick Graham's direction. He said some ground work was already in place with FIDO's and with neighbors. He said an interim management plan would not take 30 days to develop.

Councilmember Simonsen moved and Councilmember Buhler seconded to strike the restriction that Councilmember Jergensen put on for on-leash only on the trail leading down to the park to the point of the bridge.

Councilmember Buhler said he supported the amendment. He said he felt this detail should be worked out in a Management Plan. Councilmember Jergensen said the idea was to identify some way for people in wheelchairs or who required ADA access to come down from the east parking lot.

Councilmember Simonsen said he would be comfortable designating other entrances into the park such as the BMX bike area to the south or entrances that were in the process of being developed. He said if a person entering the park was going down a steep embankment with large dogs in tow, the large dogs could suddenly take off dragging a person with them.

Councilmember Love called for a roll call vote on the amendment to the motion, which motion failed, Council Members Simonsen, Buhler, and Love voted aye and Council Members Saxton, Jergensen, Turner and Christensen voted nay.

Councilmember Simonsen read a statement.

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Councilmember Buhler said he supported the motion because it designated Parley's as off-leash and accepted the working group's recommendations. He said even though the group was not able to resolve all issues and come to consensus on everything, he was encouraged by the positive things they recommended. He said he needed to state for the record he was not in total agreement with all of the legislative intents, but the Council needed to do something. He said hopefully the committee would be able to produce a solid management plan. He said he wanted to see a Park Authority put together with Salt Lake County to manage this resource. He said Tanner Park and Parley's Historic Nature Park should be joined under one management. He said then day to day issues could be resolved to make sure this remained a special place for multiple uses.

Councilmember Saxton said this park had not been maintained by the City even prior to it being designated off-leash. She said issues were not unique to this park because there were other areas where people ran their dogs' off-leash illegally. She said the park was dedicated for a reason and it was the City's responsibility as stewards of City property to do everything to keep the park in the same condition as it was when it was donated. She said she would be voting against the motion. She said she would continue to look for more off-leash dog areas in and outside the City.

Councilmember Jergensen recommended there be a real effort to find common ground. He said the park had made a tremendous amount of improvement. He said much of that improvement came from the partners that participated. He said it was a beginning and the City could get something done with all sides participating. He suggested three principles: 1) the idea of peer policing and peer enforcement, 2) collaboration, and 3) the opportunity of a group of people with differing objectives and ideas on how to achieve those objectives. He said they could create a model for the County, the State and most importantly, Salt Lake City.

Councilmember Love said she understood how special the park was for dogs and dog owners. She said a sense of community was there. She said because of that she was willing to support the motion. She said she understood what a wonderful amenity this park was to the City.

Councilmember Love called for a roll call vote, which motion carried, Council Members Simonsen, Buhler, Jergensen, Turner, Christensen and Love voted aye and Councilmember Saxton voted nay.
(0 07-20)

#5. RE: 9:21:59 PM Adopting an ordinance enacting temporary land use regulations regarding conditional use permits on residentially zoned properties and on properties which abut residentially zoned areas

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throughout the City.

Councilmember Saxton moved and Councilmember Turner seconded to adopt Ordinance 49 of 2007.

Councilmember Buhler moved and Councilmember Jergensen seconded that the Council defer this item until the next Council meeting.

Councilmember Christensen asked if the moratorium was adopted, would there be anything to preclude the Council from creating some allowances in August. Edwin Rutan, City Attorney, said exceptions could be added to the draft ordinance. Councilmember Christensen said he wanted to look at the ordinance at the first meeting in August.

Councilmember Buhler said he wanted to withdraw his motion but make a different substitute motion.

Councilmember Buhler moved and Councilmember Christensen seconded to exclude utilities from the moratorium.

Councilmember Jergensen asked if they could exclude other conditional type uses without going through the Planning Commission process. Cindy Gust-Jenson, Executive Council Director, said the Council could reduce what was currently prohibited. She said uses could be added as early as 24 hours from when the Council decided to schedule a meeting. Councilmember Buhler said he wanted to support this item but he was concerned about issues that had been raised. He said he wanted time to work through the issues.

Councilmember Love called for a vote on the substitute motion, which motion carried, all members voted aye.
(O 07-22)

#6. 9:28:41 PM RE: Adopting an ordinance enacting temporary land use regulations for above ground streambed corridors.

~~Councilmember Buhler moved and Councilmember Christensen seconded to adopt Ordinance 50 of 2007.~~

Councilmember Buhler said a moratorium was a tool they were given for exceptional circumstances. He said the City did not have many natural open stream corridors. He said there was a flaw in the current ordinance because there was no special protection for areas around streambeds such as Emigration Creek. He said for six months the moratorium would require a 100-foot buffer of any development near a creek. He said this would give the Council a chance to study this issue more thoroughly to consider what kind of buffer should be there and what protection was needed.

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Councilmember Saxton asked if the motion excluded or included fences. Councilmember Love said fences were included in the motion. Councilmember Buhler said he wanted fences excluded from the prohibition.

Councilmember Love called for the question, which motion carried, all members voted aye.
(O 07-21)

CONSENT AGENDA

9:32:18 PM Councilmember Jergensen moved and Councilmember Simonsen seconded to approve the Consent Agenda, which motion carried, all members voted aye, except Councilmember Saxton who voted nay.

#1. RE: Approving the appointments of the following to the Police Civilian Review Board:

- Anne Albaugh for a term extending through September 3, 2007.
- Rick Webber for a term extending through September 1, 2008.
- Ronald Bartee for a term extending through September 1, 2008.
- Ralph C. Petty for a term extending through September 3, 2007.

(I 07-23)

The meeting adjourned at 9:34 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 July 17, 2007.

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PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JULY 31, 2007

4:14:37 PM The City Council of Salt Lake City, Utah, met in a Special Session on Tuesday, July 31, 2007 at 4:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

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

Cindy Gust-Jenson, Executive Council Director; Edwin Rutan, City Attorney; and Chris Meeker, Acting City Recorder; were present.

Councilmember Turner presided at and conducted the meeting.

NEW BUSINESS

#1. RE: Councilmember Love moved and Councilmember Jergensen seconded to enter into closed session for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78-24-8, a roll call vote was taken, which motion carried, Council Members Christensen, Buhler, Turner, Love, Saxton, Simonsen and Jergensen voted aye.

The meeting adjourned at 6:17 p.m.

Council Chair

Chief Deputy City Recorder

This document along with the digital recording constitute the official minutes of the City Council Special Session held July 31, 2007.
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PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 7, 2007

The City Council of Salt Lake City, Utah, met in a Special Session on Tuesday, August 7, 2007 at 12:00 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	Dave Buhler	Eric Jergensen
Jill Remington Love		

The following Councilmember was absent: Søren Simonsen

Cindy Gust-Jenson, Executive Council Director; Edwin Rutan, City Attorney; and Chris Meeker, Acting City Recorder; were present.

Councilmember Turner presided at and conducted the meeting.

UNFINISHED BUSINESS

#1. RE: 1:18:46 PM Adopting a resolution regarding an extension of deadline in Ordinance 55 of 2006 requiring execution and confirmation of a development agreement for rezoning properties on the east and west sides of 300 West Street, between 500 North Street and amending the Capitol Hill Master Plan. See Attachments

Councilmember Jergensen moved and Councilmember Buhler seconded to adopt Resolution 50 of 2007, which motion carried, all members present voted aye.

(P 06-12)

#2. RE: 1:19:37 PM Adopting a resolution authorizing the approval of an Interlocal Cooperation Agreement between Salt Lake City Corporation and Salt Lake County regarding Hogle Zoo. See Attachments

This issue will be held at a future date.

(C-07-462)

#3. RE: 1:19:44 PM Adopting a resolution authorizing the approval of an Interlocal Cooperation Agreement between Salt Lake City Corporation and Salt Lake County regarding the North Salt Lake Open space Property and a County payment to North Salt Lake City (or to the City for payment to North Salt Lake City and a conservation easement from the City. See Attachments

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Councilmember Jergensen moved and Councilmember Christensen seconded to adopt Resolution 51 of 2007, which motion carried, all members present voted aye.
(C 07-463)

The meeting adjourned at 1:20 p.m.

Council Chair

Chief Deputy City Recorder

This document along with the digital recording constitute the official minutes of the City Council Special Session held August 7, 2007.
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