

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, OCTOBER 16, 2007

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, October 16, 2007, 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	Carlton Christensen	Jill Remington Love
Eric Jergensen	Søren Simonsen	Dave Buhler

The following Councilmember was absent:

Nancy Saxton

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

Councilmember Turner presided at and Councilmember Christensen conducted the meeting.

OPENING CEREMONY

#1. 7:06:27 PM The Council led the Pledge of Allegiance.

#2. 7:06:49 PM Councilmember Simonsen moved and Councilmember Turner seconded to **approve the minutes** of the Salt Lake City Council meeting held **October 9, 2007**, which motion carried, all members present voted aye. View Attachments
(M 07-3)

PUBLIC HEARINGS

#1. 7:07:14 PM Accept public comment and consider adopting an ordinance approving **Budget Amendment No. 1** for fiscal year 2007-2008. View Attachments

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

Councilmember Jergensen moved and Councilmember Simonsen seconded to adopt Ordinance 46 of 2007 amending the fiscal year 2007-2008 budget as proposed by the Administration as noted on the attached summary sheet. By way of clarification, I also move that A-1, the seismic retrofit and asbestos mitigation expenditure of \$2,518,724 for the Leonardo/Former Library Building be adopted, contingent upon receipt of the FEMA award agreement letter in the amount of \$1,025,328, with the understanding that these FEMA funds will be reimbursed back to the City upon completion of this seismic retrofit and asbestos mitigation phase

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of the project and that the City seek every opportunity to reimburse the fund balance for the additional roughly \$1.5 million in expenditures, which motion carried, all members present voted aye.

(B 07-10)

#2. 7:08:42 PM Accept public comment and consider adopting ordinances rezoning property located at approximately 750 North DeSoto Street from Foothills Protection (FP) to Foothills Residential (FR-2/21,780) and Natural Open Space (NOS), amending the Capitol Hill Community Master Plan Future Land Map and closing a portion of 700 North Street located generally between Columbus and Cortez Streets. (Petition No. 400-06-46 and 400-07-08) View Attachments

Dan Bethel said he did not want to give up his rights regarding the 700 North right-of-way until an alley issue with his neighbor was settled. He said they were close to a settlement and wanted more time to resolve the issue.

Julianne Calderon and George Stutzenberger said they owned the property at 700 North Columbus Street. They said their dispute with Mr. Bethel did not involve Christopher Robinson's project and wanted the City to allow the proposal to move forward.

Christopher Robinson said he wanted to create a subdivision which was acceptable to the City and the community. He said the dispute was a private matter and felt it was not necessary to withdraw Parcels D and E because third party claims would not be extinguished by the petition.

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

Councilmember Simonsen asked Mr. Robinson about having a private street verses a public street and how the gate was significant to the development. Mr. Robinson said he did not have a preconceived notion that the street needed to be private or gated. He said an S curve in the street would create a place for people to park and could generate an attractive nuisance for residents. He said except for width, the street would be designed to meet City standards and non-vehicular access would still be available. He said he did not want the development to create problems for future homeowners.

Councilmember Jergensen moved and Councilmember Turner seconded to adopt Ordinances 58 and 59 of 2007, subject to the following:

1. water, sewer and stormdrain utilities are built to City requirements and standards and are considered official City utilities.

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2. The street be built to public street standards that are City approved.

a. The street may be gated and considered a private street as part of the Planned Development Process.

b. Should the community/property owners ever request that the street become public, the street will need to be in good repair to City standards and the gate will need to be removed, subject to its being accepted as a public street.

c. While a private street, City snow removal, street maintenance, trash removal and related services will not be available to residents on the private street.

d. Appropriate easements be dedicated by the developer to provide access to City Public Utilities for water, sewer and stormdrain line maintenance purposes.

Councilmember Jergensen said there was a lot of discussion regarding private versus public streets and the neighborhood was concerned about creating another attractive nuisance. He said there were crime related activities throughout the City and when a development was being considered, the City needed to be thoughtful in terms of combating neighborhood nuisances. He said he felt a gate would provide more security and reduce unwanted activities.

Councilmember Jergensen said although this would be private property, the developer and community council had agreed to allow pedestrian and bike access to areas such as Little Ensign, Ensign Downs and Ensign Peak. He said requiring the street to be built to public standards would help facilitate the process should private property owners petition to return the street to the City. He said this might be a reasonable method to address private/public street dilemmas in the future.

Councilmember Jergensen said he raised the issue of taking parcels D and E off the table. He said after questioning City departments, he believed Mr. Bethel had sufficient vehicular and pedestrian access to his property and the City should avoid any involvement in the private property dispute. He said he recommended leaving parcels D and E in the proposal and moving the project forward with proposed caveats.

Councilmember Christensen asked if public street standards referenced in the motion dealt with actual construction rather than street width. Ray McCandless, Senior Planner, said that was correct. He said the street standards dealt with how the street was physically constructed.

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Councilmember Jergensen asked Mr. McCandless to mention right-of-way issues. Mr. McCandless said the standard right-of-way width for a public street was typically 50-feet. He said through the planned development process the width could be reduced to the minimum pavement width of 20-feet.

Jeffry Niermeyer, Acting Public Utilities Director, asked the Council to modify the motion to include storm drain utilities. Councilmember Jergensen and Turner were in favor of amending the motion.

Councilmember Simonsen asked if public street standards required installation of sidewalks in the right-of-way. Mr. McCandless said that decision was made by the Engineering Division. He said the sidewalk could be waived on one side of the street but he thought the policy had been to have sidewalk at least on one side of the street.

Councilmember Simonsen said he understood attractive nuisances existed throughout the City but was concerned about setting a precedent that the best way to solve nuisance issues was by closing streets and making them private. He said public access was an essential part of connecting neighborhoods.

Councilmember Simonsen made a substitute motion for this to be a public street.

Councilmember Buhler asked if the intent was for this to be a public street with a gate. Councilmember Simonsen said no.

Councilmember Christensen called for a second. He said the motion failed for lack of a second.

Councilmember Love said although she had some concerns about the gate she felt open space areas would be further protected by having a gate and allowing pedestrian and bicycle access.

Councilmember Simonsen said if he understood correctly that the gate would not preclude bicycle or pedestrian access. Councilmember Jergensen said that was correct.

Councilmember Christensen called for a roll-call vote, which motion carried, all members present voted aye.

(P 07-8)

COMMENTS TO THE CITY COUNCIL 7:36:37 PM

Cindy Cromer said there were numerous problems with the ordinance which dealt with economic hardship cases associated with historic structures. She said the Mayor created a petition for a standing

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committee to consider economic hardship cases. She said the scope of the petition needed to be expanded.

Discussion was held on how to address the issue. Ms. Gust-Jenson said the Mayor could amend his petition, the Council could adopt a legislative action or the Planning Department could address the issue.

UNFINISHED BUSINESS

#1. RE: 7:40:49 PM Consider the appointment of Jeffry Niermeyer to the position of Director of the Department of Public Utilities. View Attachments

Councilmember Love moved and Councilmember Turner seconded to approve the appointment, which motion carried, all members present voted aye.

(I 07-26)

#2. RE: 7:41:17 PM Adopting an ordinance amending Section 12.56.170, Salt Lake City Code, relating to parking meter rates - to waive fees at parking meters from November 22, 2007 through January 1, 2008 to allow for two-hour parking. View Attachments

Councilmember Buhler moved and Councilmember Simonsen seconded to adopt Ordinance 47 of 2007, which motion carried, all members present vote aye.

(O 07-27)

#3. RE: 7:41:55 PM Adopting the following resolutions authorizing Salt Lake City to accept the following grants: View Attachments

Councilmember Simonsen moved and Councilmember Love seconded to adopt Resolutions 64, 65, 66, 67, 68, and 69 of 2007, which motion carried, all members present vote aye.

a. the U.S. Department of Energy for Solar America Initiative Grant. (Resolution 64 of 2007)
(C 07-678)

b. the Rocky Mountain Power, Leonardo sustainable Energy Project Award. (Resolution 65 of 2007)
(C 07-679)

c. the State of Utah, Federal Emergency Management Agency Pre-disaster Mitigation Grant. (Resolution 66 of 2007)
(C 07-680)

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d. the State of Utah, Commission on Criminal and Juvenile Justice Grant (Police Video Surveillance Program). (Resolution 67 of 2007)
(C 07-681)

e. the State of Utah, Commission on Criminal and Juvenile Justice Asset Forfeiture Award. (Resolution 68 of 2007)
(C 07-682)

f. the State of Utah, Office of Crime Victim Reparations Grant. (Resolution 69 of 2007)
(C 07-683)

#4. RE: 7:42:36 PM Approving the appointments of Megan Rogers and Barbara J. Riley to the Community Development and Capital Improvement Program; Ms. Roger's term will extend through June 7, 2010 and Ms. Riley's term will extend through June 1, 2009.

Councilmember Jergensen moved and Councilmember Turner seconded to approve the appointments, which motion carried, all members present vote aye.
(I 07-3)

CONSENT AGENDA 7:42:57 PM

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

#1. RE: Setting the date of November 13, 2007 at 7:00 p.m. to adopt an ordinance closing a portion of 700 South at approximately 600 West as a public street pursuant to Petition No. 400-07-02.
(P 07-10)

#2. RE: Setting the date of November 13, 2007 at 7:00 p.m. to adopt an ordinance closing a portion of the southern half of South Temple Street between 750 West (I-15) and 900 West as a public street pursuant to Petition No. 400-07-10.
(P 07-11)

#3. RE: Approving the re-appointment of Keith Jensen to the Transportation Advisory Board for a term extending through September 27, 2010.
(I 07-21)

The meeting adjourned at 7:43 p.m.

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Council Chair

Acting City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held October 16, 2007

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