

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 12, 2008

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, August 12, 2008 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	JT Martin	Van Turner
Jill Remington Love	Eric Jergensen	Luke Garrott

The following Councilmember was absent:

Søren Simonsen

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

Councilmember Love presided at and Councilmember Christensen conducted the meeting.

OPENING CEREMONY

#1. 7:10:14 PM The Council led the Pledge of Allegiance.

#2. 7:10:49 PM Adopting a joint resolution with the Mayor recognizing the **contribution of the Italian Cultural Street Fair, Farragosto**, to the City. View Attachments

Councilmember Garrott moved and Councilmember Love seconded to adopt **Resolution 35 of 2008**, which motion carried, all members present voted aye.

(R 08-1)

#3. 7:11:41 PM Adopting a joint resolution with the Mayor naming the park located at **14th Avenue and H Street** as **Kay Rees Park**. View Attachments

The resolution was read by Councilmember Jergensen.

Councilmember Jergensen moved and Councilmember Garrott seconded to **adopt Resolution 36 of 2008**, which motion carried, all members present voted aye.

(R 08-1)

#4. 7:15:41 PM Adopting a joint resolution with the Mayor regarding a **Carbon Emission Reduction Goal** for Salt Lake City's Municipal Operations. View Attachments

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Councilmember Jergensen moved and Councilmember Turner seconded to **adopt Resolution 37 of 2008**, which motion carried, all members present voted aye.

(R 08-5)

#5. 7:19:11 PM Councilmember Garrott moved and Councilmember Love seconded to **approve the minutes** of the Salt Lake City Council meeting held **July 22, 2008**, which motion carried, all members present voted aye. View Attachments

(M 08-3)

PUBLIC HEARINGS

#1. 7:20:26 PM RE: Accept public comment and consider adopting three ordinances: 1) adopting the **final rate of tax levy** upon all real and personal property within Salt Lake City made taxable by law for Fiscal Year 2008-09; 2) adopting and **ratifying** the **final** Salt Lake City **budget**, excluding the Library Fund, and the employment staffing document of Salt Lake City, Utah, for Fiscal Year 2008-09; 3) adopting and **ratifying** the **final budget** for the **Library Fund** of Salt Lake City for **Fiscal Year 2008-09**. View Attachments

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

Councilmember Jergensen moved and Councilmember Love seconded to adopt **Ordinance 63 of 2008** adopting the **final rate of tax levy upon all real and personal property within Salt Lake City made taxable by law for Fiscal Year 2008-2009** with the following rates: .002869 for the general fund, .000618 for the Library fund and .000430 for repayment of **General Obligation Bonds for a total tax break of .003917**, which motion carried, all members present voted aye.

Councilmember Jergensen moved and Councilmember Love seconded to adopt **Ordinance 64 of 2008** adopting the **final City budget, excluding the budget for the Library Fund which is separately adopted, and the employment staffing document of Salt Lake City, Utah for Fiscal Year 2008-2009** with the exception of the budget and staffing document relating to the storm water fund, which motion carried, all members present voted aye.

Councilmember Jergensen moved and Councilmember Garrott seconded to adopt **Ordinance 65 of 2008 ratifying and adopting the final budget and staffing relating to storm water fund**, which motion carried, all members present voted aye except Councilmember Christensen who was recused for the vote.

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Councilmember Jergensen moved and Councilmember Turner seconded to adopt **Ordinance 66 of 2008 adopting and ratifying the final budget for the Library Fund of Salt Lake City for Fiscal Year 2008-09**, which motion carried, all members present voted aye.

(H 08-7)

7:24:34 PM QUESTIONS TO THE MAYOR FROM THE CITY COUNCIL

Councilmember Turner thanked the Mayor for coming to the Glendale Night Out Against Crime party. Mayor Becker said it was a terrific evening and there was a lot of community support.

Councilmember Love thanked the Mayor and his staff for putting on some training for the Truth and Taxation hearing.

Councilmember Garrett thanked the Mayor for the time, resources and soul he has committed to Pioneer Park. He said the Friday night movie series had taken off. Mayor Becker said it had been fun to watch and participate in the recovery turn around of Pioneer Park. He said it was happening more quickly than expected.

7:27:59 PM COMMENTS TO THE CITY COUNCIL

The following people spoke in opposition of the proposed ordinance placing a moratorium on halfway houses: **Christina Coronado; Susan Koehn; Tim Anker; Dave Copeland and Jerry Oldroyd.**

The following people spoke or submitted cards in support of the proposed ordinance on taxicab rates: **Don Winder; Don Barron; Shawky Taha; Abdi Ali Mohamed and Adawe Hussein.**

UNFINISHED BUSINESS

#1. 7:44:06 PM RE: Adopting an ordinance amending **Appendix A of Chapter 18.98** of the Salt Lake City Code, relating to the **annual inflationary adjustment to Impact Fees**. [View Attachments](#)

Councilmember Love moved and Councilmember Turner seconded to adopt **Ordinance 67 of 2008**, which motion carried, all members present voted aye.

(O 07-17)

#2. 7:44:59 PM RE: Adopting an ordinance granting a **telecommunications franchise to TCG, Utah** to place facilities within the City rights-of-way subject to certain conditions and securing permits. [View Attachments](#)

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Councilmember Jergensen moved and Councilmember Martin seconded to adopt **Ordinance 68 of 2008**, which motion carried, all members present voted aye.

(O 08-22)

#3. 7:45:30 PM RE: Adopting an ordinance amending **Section 5.72.455**, Salt Lake City Code, pertaining to **maximum taxicab rates**. [View Attachments](#)

Councilmember Turner moved and Councilmember Martin seconded to adopt **Ordinance 69 of 2008** with the intent that the Administration bring back its proposed formula for determining mileage charges and flag drop rates that taxicab drivers may charge customers for review and consideration by the Council in the next 60 days, which motion carried, all members present voted aye.

(O 05-2)

#4. 7:46:44 PM & 7:58:29 PM & 8:43:50 PM RE: Adopting an ordinance enacting temporary land use regulations for **halfway homes in excess of six (6) residents throughout the City**. [View Attachments](#)

Councilmember Love moved and Councilmember Turner seconded to adopt **Ordinance 70 of 2008**.

Councilmember Love said the temporary restriction did not have to last six months. She said she wanted to be good partners with the State in finding quick solutions. She said she felt the City's zoning ordinances were not equipped to evaluate this request. She said a lengthy process on conditional uses had been done and they knew criteria were not there to evaluate the request.

Councilmember Martin said he felt there was a flaw in the ordinances. He said the petitioners had gone through the process and found a suitable piece of property. He said the Council should trust the Planning Commission to make the right decision. He said he felt strongly about this and did not want to pass the ordinance.

Ms. Gust-Jenson said at the request of Councilmember Love she had checked with Councilmember Simonsen who was out of town. She said he had asked that the Council telephone him if there was anything controversial. She said she did not know what his opinion was. She said if the Council held a Closed Session Councilmember Simonsen wanted to participate.

Councilmember Christensen said they would take a ten minute break and move across the hall to Room 326 so Councilmember Simonsen could participate in the discussion by phone. He said the meeting would

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still be public. Councilmember Sorensen joined the meeting by phone and Councilmember Martin brought him up to date on what had been discussed.

Councilmember Turner said many times the Council waited a week or more before making final decisions. He said if they looked at the issue only as a halfway house and did not look at the broader issue, then he felt a disservice would be done to the City, the community and the property owners. He said transportation meant economic development. He said they needed to step back and think about long term possibilities in the area. He said he wanted more time to study the issue.

Councilmember Jergensen asked if the Council had to vote on this issue tonight. **Lynn Pace**, Deputy Attorney, said no. He said he did not know if a completed application had been filed. He said this application was a request for a conditional use permit and the permit would not be issued until it was scheduled before the Planning Commission.

Everett Joyce, Senior Planner, said staff working on the petition had requested more information. He said the conditional use had not been through the City's system or sent to the Community Council's for discussion.

Councilmember Jergensen said he agreed with Councilmember Turner. He said they needed to take time to study and let the process run its course. He said his concern was about process. He said a process had recently been put in place to address compatibility, appropriateness of use, master plans and particular zoning codes. He said these were used to pass or give conditional use approval. He said it was not for the Council to decide if a conditional use was appropriate. He said the question was if the City's process allowed for a meaningful hearing of this particular case. He said if it did then the City should allow the applicant to move forward without a moratorium. He said if the Council felt it did not allow for a meaningful hearing then the moratorium should be passed. He said he would be voting against the moratorium.

Councilmember Garrott said they had not had to deal with this scale of halfway houses before. He said it was not fair to the City to be on the frontier of new State policy to build big new halfway house developments. He said he would be voting for the moratorium.

Councilmember Love said the police chief had asked for time to evaluate the proposal. She said it was breaking new ground and the City's code never anticipated a request of this size or magnitude. She said they had no criteria by which to judge it. She said that was why it was important to take some time to study the issue.

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Councilmember Martin said the petitioners went to the Planning Department in October. He said the Department told them what kind of property they needed to look for. He said the applicant's property was in an industrial park flanked by I-15, industrial buildings and two railways.

Councilmember Jergensen said the City had no obligation to the applicant because they were not vested. Mr. Pace said that was why the Council should vote tonight. He said if a majority of the Council wanted to freeze status quo to study the issue they would want to do that before a completed application was filed.

Councilmember Christensen said through the process staff had responded as they should have. He said staff could only convey what criteria was established in the ordinance. He said they indicated to the applicant that a conditional use was not a vested right until the process was completed. He said the moratorium needed to be long enough to get needed information.

Councilmember Simonsen asked if there was a sufficient need in the community for a facility that size. He said if there was a need he was not sure they did justice to the community if they did not find a way to expedite the project. He said he felt the Council had given the Planning Commission tools with the recently adopted conditional use ordinance. He said he did not know why the Planning Commission had to make a decision in haste without really studying it.

Councilmember Christensen called for the question, which motion carried, Council Members Turner, Garrott, Christensen and Love voted aye and Council Members Jergensen, Martin and Simonsen voted nay.

(O 08-23)

CONSENT AGENDA

8:45:53 PM Councilmember Jergensen moved and Councilmember Garrott seconded to **approve the Consent Agenda**, which motion carried, all members present voted aye.

#1. RE: Setting the date of **September 9, 2008** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **closing and abandoning a portion of 4145 West from 700 South to the Union Pacific right-of-way** pursuant to Petition No. 400-07-24.

(P 08-12)

#2. RE: Approving the appointment of **Frank Gray** to the position of **Director of Community and Economic Development** of Salt Lake City.

(I 08-14)

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#3. RE: Approving the appointment of **Christine Meeker** to the position of **Salt Lake City Recorder**.

(I 08-19)

#4. RE: Approving the appointment of **John Becker** to the **Library Board** for a term extending through June 30, 2011.

(I 08-15)

#5. RE: Approving the appointment of **Brian Doughty** to the **Transportation Advisory Board** for a term extending through September 26, 2011.

(I 08-16)

#6. RE: Approving the appointment of **Laura Dupuy** to the **Arts Council** for a term extending through July 1, 2010.

(I 08-17)

#7. RE: Approving the re-appointment of **Sandra Fagergren** to the **Sugar House Park Authority** for a term extending through September 25, 2010.

(I 08-18)

The meeting adjourned at 9:02 p.m.

Council Chair

City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held August 12, 2008.

bj