

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, DECEMBER 14, 2010

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, December 14, 2010 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	Stan Penfold	Van Turner
Jill Remington Love	Søren Simonsen	Luke Garrott
JT Martin		

Mayor Ralph Becker; Cindy Gust-Jenson, Executive Council Director; Edwin Rutan, City Attorney; Jennifer Bruno, Deputy Council Director; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Martin presided at and conducted the meeting.

OPENING CEREMONY

#1. [7:15:18 PM](#) The Council led the Pledge of Allegiance.

#2. [7:15:41 PM](#) Recognition of outgoing City Council Chair JT Martin and presentation of gift.

#3. [7:20:02 PM](#) Remarks by Sim Gill, Salt Lake City Prosecutor and Salt Lake County District Attorney-elect, regarding his employment with the City.

POTENTIAL ACTION ITEMS

#1. RE: [7:28:13 PM](#) Adopt an ordinance adopting the **Solid Waste Management Facility budget** as prepared and submitted by the Salt Lake Valley Solid Waste Management Council for **Calendar Year 2011**. [View Attachments](#)

Councilmember Christensen moved and Councilmember Penfold seconded to **adopt Ordinance 87 of 2010**.

[7:28:47 PM](#) Councilmember Christensen commented on the motion.

Councilmember Martin called for the question, which motion carried, all members voted aye.  
(B 11-3)

#2. RE: [7:29:28 PM](#) Adopt an ordinance **enacting new Chapter 14.54** relating to the **policy** for the **dedication of private streets** to public ownership. [View Attachment](#)

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[7:29:50 PM](#) Councilmember Martin asked for clarification on the proposal. Ms. Bruno said adopting the ordinance would codify a policy by which the Administration could then consider any future requests to accept a private street into public ownership.

Councilmember Garrott moved and Councilmember Christensen seconded to **adopt Ordinance 88 of 2010.**

[7:30:49 PM](#) Councilmember Christensen commented on the motion.

Councilmember Martin called for the question, which motion carried, all members voted aye.  
(O 10-19)

**#3. RE: [7:31:39 PM](#) Adopt an ordinance enacting Chapter 11.70 relating to commercial solicitation. (Panhandling) [View Attachment](#)**

Councilmember Martin said due to time constraints the Council was unable to address this item during the Work Session. Discussion was held with the Administration prior to the formal vote. See File M 10-4 for discussion.

Motion: [8:20:29 PM](#) Councilmember Christensen moved and Councilmember Turner seconded to **adopt an ordinance enacting Chapter 11.70, Salt Lake City Code, relating to commercial solicitation with the following amendments: a. That line "f" of paragraph B-1 be omitted so the list of places where people are prohibited from commercially soliciting does not include "within ten (10) feet of the entrance to a place of religious assembly," and b. that paragraph B-2 be amended to include the following language, "except in places where automated teller machines are present in places of religious assembly" so the paragraph would read: "It shall be unlawful to commercially solicit if the person making the solicitation knows or reasonably should know that the solicitation is occurring within ten (10) feet in any direction of an automated teller machine, including within ten (10) feet in any direction of any entrance or exit to a building containing an automated teller machine that is visible from the street, except in places where automated teller machines are present in places of religious assembly."**

Substitute Motion: [8:21:55 PM](#) Councilmember Penfold moved and Councilmember Simonsen seconded that the Council **delay action on the ordinance.**

[8:22:11 PM](#) Councilmember Penfold said he was concerned about a connection which seemed to be developing between homelessness and panhandling. He said he was concerned existing ordinances were not

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being applied consistently or people were not aware of what types of behaviors were currently legal or illegal. He said aggressive panhandling issues needed to be addressed very comprehensively through education, enforcement, resources and other tools.

[8:24:15 PM](#) Councilmember Christensen said he opposed the substitute motion. He said in the past the Council adopted an ordinance which cured a problem relating to cruising on State Street. He said this ordinance might not provide an immediate cure but the City needed to take a stance and adopting the ordinance could begin the process of defining acceptable behavior.

[8:26:39 PM](#) Councilmember Martin said he opposed the substitute motion. He said Council Members were elected to make decisions on important/difficult issues. He said although some issues took years to resolve, he wanted the Council to vote on this issue now and let people know the Council's position.

[8:27:37 PM](#) Councilmember Garrott said he supported the substitute motion because it allowed the Council time to ask questions and discuss the issue further. He said he valued discussions with other Council Members and wanted to hear their comments/questions. He said having additional time to discuss and review the issue would help ensure the right decision was made.

[8:28:34 PM](#) Councilmember Love said she supported the substitute motion. She said people living/working in downtown had clearly stated there were problems which needed to be addressed including health, safety and intimidation. She said she was committed to work with the community, Police Department and others to provide necessary resources to find the right solution.

[8:30:01 PM](#) Councilmember Simonsen said he supported the substitute motion. He said he hoped the issue could be addressed in a broader scenario including education and enforcement provisions. He said he was interested in the Administration's response/participation and wanted to invite those who would be impacted the most by the ordinance to participate in the process.

Councilmember Martin called for the question on the substitute motion to **delay action on the ordinance**. A roll call vote was taken, which motion carried, all members voted aye, except Council Members Christensen, Turner and Martin who voted nay.

(O 10-17)

**#4. RE:** [9:40:32 PM](#) Adopting three ordinances relating to **Parley's Historic Nature Park:** 1) An ordinance **enacting Section 15.04.145** to

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add Parley's Historic Nature Park to the list of City parks, playfields, and golf courses; **2) an ordinance amending Section 8.04.390 and Section 15.08.070** to designate and authorize dog off-leash areas in Parley's Historic Nature Park; and **3) an ordinance enacting Chapter 15.10** to establish use and management rules for Parley's Historic Nature Park. (Provisions of the City Code related to those listed above may also be amended as part of this action. [View Attachment](#)

[9:41:54 PM](#) Additional discussion was held with the Administration prior to the formal vote. See File M 10-4 for discussion.

[9:52:56 PM](#) Councilmember Garrott moved and Councilmember Simonsen seconded to **adopt Ordinance 90 of 2010, enacting Section 15.04.145 to add Parley's Historic Nature Park to the list of City parks, playfields, and golf courses; adopt Ordinance 91 of 2010, amending Section 8.04.390 and Section 15.08.070 to designate and authorize dog off-leash areas in Parley's Historic Nature Park; adopt Ordinance 92 of 2010, enacting Chapter 15.10, establishing use and management rules for Parley's Historic Nature Park that includes dog off-leash trail on the south side of the creek on the south loop trail between bridges that cross the creek; and further moved that we prohibit dog access from "Entrance C" down the trail to south loop trail in addition to the Administration's recommendations: a. include west end of Parley's Trail as access point for dogs on-leash; b. from east Tanner Park parking lot to top of main "Entrance A" establish dog on-leash trail, and from point down into park a dog off-leash trail and c. riparian protection shall be 50' from Annual High Water Level (AHWL).**

And further moved to adopt the following Legislative Intent:

1. It is the intent of the City Council that the City work with BMX users on issues regarding access to water, signage, stream buffer locations, placement of storage space, vegetation and hillside preservation and restoration.

2. It is the intent of the City Council that the City begin the process to annex Parley's Historic Nature Park into Salt Lake City.

3. It is the intent of the City Council that the Administration return to the City Council with options to develop a user fee for Parley's Historic Nature Park to help cover costs of maintenance, education and enforcement.

4. It is the intent of the City Council that the Administration return to the City Council with options regarding staffing to provide education and enforcement during park hours and to work with County

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Animal Services, Salt Lake City Police Department and County law enforcement to provide after hours enforcement.

5. It is the intent of the City Council to urge the Administration to evaluate opportunities for funding sources such as agency partnerships, grants and private sponsorship.

6. It is the intent of the City Council to urge the Administration to evaluate opportunities to establish conservation easements.

7. It is the intent of the City Council to urge the Administration to include on the final map (adopted with the plan) the trail alignment that coincides with the Parley's Rails, Trails and Tunnels (PRATT) master plan.

8. It is the intent of the City Council that the Administration return to the City Council with an amended management plan reflecting adopted ordinance standards, so the plan can be formally adopted by the Council.

[9:56:38 PM](#) Councilmember Christensen said he was concerned about opening up the south side trail which would fundamentally create a third access point into the creek. He said although there might be some mitigation, he felt it was problematic and was not comfortable supporting the motion.

[9:57:51 PM](#) Councilmember Simonsen said concerns had been expressed about the intense use of the park and wanted the Council, Administration and community to work quickly towards identifying other similar open space areas to help alleviate overuse.

[9:59:10 PM](#) Councilmember Garrott said he agreed with Councilmember Simonsen but also wanted to include Salt Lake County properties in the search. He said this was a difficult issue and thanked Council and Administrative staffs.

Councilmember Martin called for the question. A roll call vote was taken, which motion carried, all members voted aye, except Council Members Christensen, Turner and Martin who voted nay.

(T 10-5)

QUESTIONS TO THE MAYOR FROM THE CITY COUNCIL [8:36:23 PM](#)

Councilmember Garrott thanked the Mayor and others who attended the fact-finding trip to Denver, Colorado. He said he wanted to hear the Mayor's insights and invited him to attend any future

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Redevelopment Agency (RDA) or Work Session meetings to discuss the trip.

COMMENTS TO THE CITY COUNCIL [8:37:42 PM](#)

**Clark Taylor, Lee Anne Walker, Randy Curtis, Jeremy Allan, Kent Robertson, Bruce Midgley, Ryan Jones, Don Jepsen, Alan Jack and Judy Ticknor** spoke and/or submitted written comments concerning new ground transportation regulations. They requested a grace period to allow time to meet new mileage requirements.

[9:09:35 PM](#) **Point of Order:** Councilmember Love said she thought there was an interest on the Council to address this issue during a January, 2011 meeting. Mr. Robertson asked if there was a possibility prior to the January meeting for the Airport to be instructed not to enforce requirements until the Council had a chance to review the issue. Councilmember Love said the Council would work with the Administration to explore options.

**Jack Arnott, John Robandt, Elaine Brown, Emil Kmet, Hoke Martin, Ursula Jochmann, John Griswold, Kate Bradshaw, Gregory Pope, Deb Dolph, James Brown, Juan Arce-Larreta and Corey Shields** spoke and/or submitted written comments about the Parley's Historic Nature Park proposal.

**Linda Hilton, Jason Mathis, Christian Harrison, Hraefn Wulfson and Patrick Johnson** spoke or submitted written comments in favor of the commercial solicitation (panhandling) proposal.

**Lou Anne Stevenson, Airome Wind and Chloe Noble** spoke or submitted written comments in opposition of the commercial solicitation (panhandling) proposal.

**Nancy Saxton, Lucy Knorr, Jeff Salt and Dan Potts** spoke and/or submitted written comments in opposition of the Regional Sports Complex proposal.

[9:06:21 PM](#) **Edwin Rutan, City Attorney,** responded to Mr. Salt's comments.

**Douglas Cotant** asked what someone should do if they thought they were being followed while walking down the street.

General Comment Cards were submitted by the following (no subject given): Barbara Gallegos, Alyssa Brown, Rawlins Young, Ginger Phillips, Jenna Jones and Teresa Bowman.

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UNFINISHED BUSINESS

#1. RE: [9:36:44 PM](#) Adopting a resolution **extending** the time period for satisfying the conditions set forth in Ordinance 21 of 2006, pertaining to **Rowland Hall-St. Mark's School's** petition to **amend** the **East Bench Master Plan** and rezoning of property generally located at 1443 East Sunnyside Avenue from Open Space (OS) to Institutional (I) zoning classifications. [View Attachment](#)

Councilmember Christensen moved and Councilmember Turner seconded to **adopt Resolution 54 of 2010**.

**McKell Withers** submitted written comments regarding the proposal.

[9:37:29 PM](#) Council Members Simonsen, Love and Martin commented on the motion.

Councilmember Martin called for the question. A roll call vote was taken, which motion carried, all members voted aye, except Council Members Garrott and Simonsen.

(P 06-7)

#2. RE: [10:00:45 PM](#) Adopting an ordinance **amending Sections 12.96.020, 12.96.025 and 12.96.090** providing for third party vehicle **immobilization device** removal 24 hours per day, increasing vehicle immobilization **fees**, providing for a hearing following removal of the immobilization device and requiring payment for replacement of immobilization devices not returned to the City following authorized removal. [View Attachment](#)

Councilmember Christensen moved and Councilmember Garrott seconded to **adopt Ordinance 89 of 2010**, which motion carried, all members voted aye.

(O 10-14)

#3. RE: Adopting a resolution **authorizing** the issuance and confirming the sale of \$15,300,000 aggregate principal amount of **General Obligation Bonds** of the City for the purpose of paying the costs of acquiring, constructing, furnishing and equipping a **multi-purpose regional sports, recreation and education complex** and related roads, parking and improvements; authorizing the execution and delivery of certain documents relating to such bonds; and providing for related matters.

Item was pulled.

(Q 10-1)

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CONSENT [10:01:43 PM](#)

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

**#1.** Setting the date of **January 18, 2011 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **closing** a portion of **5500 West** as a public street between 300 South and 490 South and **amending the Major Street Plan** of the Salt Lake City Transportation Master Plan to **remove the designation of collector street** from a portion of 5500 West between 300 South and 700 South from the Major Street Plan pursuant to Petition Nos. PLNPCM2009-01389 and PLNPCM2010-00085. [View Attachment](#)  
(P 10-24)

[10:02:24 PM](#) Further discussion was held on the ground transportation issue relating to mileage restrictions/removing vehicles from service. Ms. Gust-Jenson said based on earlier comments, she sent an e-mail to the Administration about concerns that were raised. She said based on their response, the Council could determine a course of action.

The meeting adjourned at 10:04 p.m.

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Council Chair

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City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held December 14, 2010.

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