

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, September 30, 2014 at 7:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

James Rogers	Luke Garrott	Kyle LaMalfa
Erin Mendenhall	Lisa Adams	Charlie Luke
Stan Penfold (by phone)		

Cindy Gust-Jenson, Executive Council Director; David Everitt, Mayor's Chief of Staff; Margaret Plane, City Attorney; and Beverly Jones, Deputy City Recorder; were present.

Councilmember Luke presided at and conducted the meeting.

OPENING CEREMONY

#1. 7:09:22 PM Pledge of Allegiance

#2. 7:09:53 PM Councilmember LaMalfa moved and Councilmember Garrott seconded to **approve the minutes of the following Salt Lake City Council meetings, which motion carried, all members voted aye except Councilmember Penfold who was absent for the vote.**

- **August 12, 2014 Work Session [View Minutes](#)**
- **August 19, 2014 Work Session [View Minutes](#)**
- **September 2, 2014 Work Session [View Minutes](#)**
- **September 2, 2014 Formal Meeting [View Minutes](#)**

(M 14-4) (M 14-3)

PUBLIC HEARINGS

****Please Note:** *The ordinance relating to newsracks in the public right-of-way (Newsrack Ordinance Amendments) public hearing was originally scheduled for this meeting. The public hearing will be re-advertised for a future Council meeting. We apologize for the inconvenience.***

#1. RE: 7:11:10 PM Accept public comment and consider adopting an ordinance regarding the **proposed changes to the City's zoning ordinance pursuant to Petition No. PLNPCM2013-00741. The proposed changes would: [View Attachments](#)**

- Amend the process for initiating zoning amendments by

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

Council Members and Planning Commissioners;

- Modify Planning Commission and Historic Landmark Commission procedures; and
- Omit language concerning a nonexistent committee.

Sections 21A.06.030, 21A.06.050, 21A.46.120, and Chapter 21A.50, *Salt Lake City Code*, would be amended. Related provisions of Title 21A, Zoning, may also be amended as part of this petition. (Petitioner Salt Lake City Planning Commission.)

Councilmember Mendenhall moved and Councilmember Garrott seconded to **close the public hearing and adopt [Ordinance 56 of 2014](#)**, which motion carried, all members voted aye.

(P 14-13)

#2. RE: [7:13:43 PM](#) Accept public comment and consider adopting an ordinance **amending the zoning map pertaining to property at 432 North 300 West** from RMF-35 (Moderate Density Multi-Family Residential) to SR-3 (Special Development Pattern Residential) pursuant to Petition No. PLNPCM2014-00021. *The proposal would allow the owner to convert the existing home into a twin home, which is a less intense use than has occupied the space in the last two decades. The proposal would match the zoning of the property with adjacent properties along the street. Although the applicant has requested that the property be rezoned to SR-3, (Special Development Pattern Residential) consideration may be given to rezoning the properties to another zoning district with similar characteristics. (Petitioner John Maxim)*

[View Attachments](#)

Councilmember Garrott moved and Councilmember Adams seconded to **close the public hearing and defer action to a future meeting**, which motion carried, all members voted aye except Councilmember Penfold who was absent for the vote.

(P 14-14)

#3. RE: [7:14:19 PM](#) Accept public comment and consider adopting a resolution adopting **a locally preferred alternative for UTA to extend transit options within the Davis-Salt Lake Community Connector Transit Study Corridor**. *The recommended Locally Preferred Alternative route includes a recommendation that Bus Rapid Transit would be developed on 400 West to serve redevelopment, the commuter rail station, and Downtown Salt Lake City.* [View Attachments](#)

The following spoke in opposition of the South Davis Transit Study: **Don Butterfield, George Chapman, and Douglas Cotant.**

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

Councilmember Rogers moved and Councilmember Garrott seconded to **close the public hearing and refer to a later date.**

Councilmember Rogers said the City's population more than doubled each day because of commuters living outside the City. He said it was a great opportunity to move forward with Davis County and develop a transportation system to get less drivers coming into the City.

Councilmember Garrott said he did not want to consider the resolution until the City adopted the Transit Master Plan.

Councilmember Luke called for the question, which motion carried, all members voted aye except Councilmember Penfold who was absent for the vote.

(R 14-7)

#4. RE: [7:21:51 PM](#) Accept public comment on an application submitted by Salt Lake City's Emergency Management Division for the following grant: [View Attachments](#)

- **Emergency Management Performance Grant (EMPG) Project; \$10,494.**

Councilmember LaMalfa moved and Councilmember Garrott seconded to **close the public hearing**, which motion carried, all members voted aye except Councilmember Penfold who was absent for the vote.

(B 14-8)

Councilmember Luke introduced Boy Scout Troop 373. He asked each scout to introduce themselves. Councilmember Adams said the troop was from District 7.

POTENTIAL ACTION ITEMS

#1. RE: [7:25:18 PM](#) Adopting an ordinance amending **the City's regulations for drive-through facilities** pursuant to Petition No. PLNPCM2009-00169. *The proposed changes would address service accessibility by requiring that businesses with drive-through windows allow bicyclists in drive-throughs during all business hours. The proposed changes would affect Section 21A.40.060, Drive-Through Facility Regulations, and Title 5, Business License Requirements, Salt Lake City Code. Related provisions of Title 21A, Zoning, may also be amended as part of this petition. (Petitioner Salt Lake City Council)*

[View Attachments](#)

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

Councilmember Garrett moved and Councilmember LaMalfa seconded to adopt **Ordinance 57 of 2014 enacting Chapter 5.07, Drive-Through Facility Regulations, and Ordinance 60 of 2014 amending Section 21A.40.060 pertaining to drive-through facility regulations** pursuant to Petition No. PLNPCM2009-00169.

Councilmember Garrett said this regulation allowed bicycles in drive-through lanes. He said he wanted to make the City more walkable and friendly to non motorized transportation. He said any new construction of drive-through facilities or significant remodels would need to accommodate people while the drive-through was open.

Councilmember Adams said she appreciated the changes that had been made. She said safety was an issue and it was not a great mix to have bicycles and cars in the same service lane. She said if businesses felt this would be successful they would have adopted it. She said the Council should not tell people how to run their businesses. She said she would be voting against the motion.

Councilmember Rogers said he appreciated Councilmember Garrett's willingness to change the ordinance but he was going to vote against the ordinance. He said the City should not legislate how people run their businesses.

Councilmember Luke said there was not much of a safety difference between a motorcycle and a bicycle. He said he would support the current ordinance.

Councilmember Luke called for a roll call vote, which motion carried, Council Members Adams and Rogers voted nay and Council Members Mendenhall Garrett, LaMalfa, Penfold, and Luke voted aye.

(O 13-25)

#2. RE: 7:31:17 PM Adopting an ordinance amending *Salt Lake City Code* relating to **outdoor dining regulations** (amending Section 21A.40.065) pursuant to Petition No. PLNPCM2014-00106. *The amendments would allow outdoor dining for nonconforming restaurants and other similar uses through the City's special exception process (Chapter 21A.52, Special Exceptions). Currently, nonconforming restaurants are not allowed to have outdoor dining. Related provisions of Title 21A, Zoning, may also be amended as part of this petition. (Petitioner Jude Rubadue)* [View Attachments](#)

Councilmember Garrett moved and Councilmember Rogers seconded to adopt **Ordinance 58 of 2014 amending Section 21A.40.065, Salt Lake City Code, pursuant to Petition No. PLNPCM2014-00106 to allow outdoor**

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

dining for nonconforming restaurant uses and further move that the following additional requirement be added to the outdoor dining list of conditions in 21A.40.065, that outdoor dining shall be located on the site where it would have the least adverse impacts on adjacent properties.

Councilmember Adams said she would be voting against the motion because there was not adequate parking and there was no way to mitigate the parking situation.

Councilmember LaMalfa said he would also be voting against the petition. He said impacts would be more severe than what was appropriate for this kind of use.

Councilmember Garrott said he would vote in favor of the petition because he wanted walkable neighborhoods that had viable commercial in them. He said he felt good about a special exception process that has the ability to apply all of the mitigating conditions on an applicant in the future.

Councilmember Mendenhall said the amendment to the motion allowed outdoor dining to be located on the site where it would have the least adverse impacts on adjacent properties.

Cheri Coffey, Planning Deputy Director, said when a development application was received, they looked at the site plan and how it was laid out. She said that specific standard would help them look at surrounding properties and where outdoor dining would be most appropriate. She said if there were no conflicts the Planning Department would make the final decision; if there were conflicts, the Planning Commission made the final decision.

Councilmember Penfold said one of the reasons he liked the special exception process was because the City would not be required to grant a special exception. He said that was more difficult in a conditional use.

Councilmember Luke asked for a roll call vote, which motion carried, Council Members LaMalfa, Mendenhall, and Adams, voted nay and Council Members Penfold, Rogers, Garrott, and Luke voted aye.
(P 14-12)

QUESTIONS TO THE MAYOR FROM THE CITY COUNCIL [7:43:33 PM](#)

Councilmember Garrott asked **David Everitt**, Mayor's Chief of Staff, about opening unit legalization back up. He said the Planning

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

Division had tried to keep unit legalization separate from accessory dwelling units. He said the Council wanted to consider them together. He asked Mr. Everitt to think about the process and how it might connect to ADU's. Mr. Everitt said they would take that under consideration.

Councilmember LaMalfa said he wanted to give his best complements to the Planning Division who put together the West Salt Lake Master Plan. He said from top to bottom it was first class. Mr. Everitt said he appreciated the Council's early guidance in terms of the outreach they did on the plan.

Councilmember Luke said they had talked about the Golf Enterprise Fund in the Work Session. He said Council staff and Administration staff had worked on a library of documents which detail most of the golf discussion and how to make the enterprise fund sustainable. He said those documents were on line and the public had access to them.

COMMENTS TO THE CITY COUNCIL 7:46:18 PM *(Comments are taken on any item not scheduled for a public hearing, as well as on any other City business. Comments are limited to two minutes)*

Oscar Ross, Jr. spoke on the corruption, brutality, conspiracy, and cover-up that happened to him on January 11, 2009. He asked for an investigation about what happened that day. Councilmember Garrott said he thought Mr. Ross had a hearing but Mr. Ross said he did not have a hearing. He asked **Cindy Gust-Jenson**, Executive Council Director, if staff could follow-up with Mr. Ross to make sure he knew the process and staff could point him in the right direction. Ms. Gust-Jenson said she could not speak to the specifics but there was a time limit on when one must file and that could be an issue. She said she would report back to the Council.

George Chapman spoke on the proposed snow ordinance and the effect on air quality. He asked the Council to table the ordinance for more study and for a public hearing.

Scott Rosenbush spoke in favor of the outdoor dining ordinance. **Douglas Cotant** said he wanted to comment on the Utah Transit Authority. He said bicycles blocked doors on the train and people were standing when there were more than enough seats. He asked that people turn off their cell phones in the Council Chambers.

Ryan Peltekian spoke on Justice for Geist. He gave Mayor Becker a two week notice to resign or they were going to submit a recall petition. He said once they had replaced Mayor Becker, they were going

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

to replace the Chief of Police so there could be accountability. **Madelaine Tesori** spoke on Justice for Geist. She said they were pointing out an error and simply asking the Council to correct it. She said the officer that shot Geist that day made an error. She said the Council had the power to right this wrong. She said they wanted training and policies put into place that would prevent this tragic loss from happening to someone else.

Susan Barretta spoke on Justice for Geist. She said policy changes were needed. **Sheryl Barry** said she was present to support Justice for Geist. She said there needed to be more training. She said this was not an isolated incident; it was a national problem.

Patsy Rose said the use of video cameras would achieve both accountability and transparency. She said the use of nonlethal force must be utilized. She said the City needed to process rape kits. **Sean Kendall** said body cameras were essential, not only for accountability but transparency. He said there has to be some sort of disciplinary action. He said animal officer training was necessary. He said the City Council needed to step in and take responsibility.

Elise Lazare, coordinating committee for the local chapter of **Move to Amend**, said they were trying to get a resolution and an ordinance passed for campaign finance reform. She thanked the Council for allowing staff to send out the opinion poll to all registered voters in Salt Lake City. **Tom Huckin** said he was also in favor of the resolution and ordinance on Move to Amend.

Nicole Gallo said she had concerns with the Sister Cities Board. She said an unauthorized group had attended some Sister City Events and had received checks and money by claiming they were embarking on an official Sister City event. She said the real Sister City organization knew nothing about the trip until it was over. She said as elected officials it was the Council's responsibility to allow transparency and to curb corruption. She said they had been looking for answers since 2011. **Ginger LaGuardia** spoke on problems with the Sister City Board. Councilmember Luke said he would have someone from the Council staff contact her.

Doug Vernon spoke on Justice for Geist. He said an officer had committed a felony by shooting a companion animal. He said three witnesses said Geist was barking before being shot. He said the police officer said the dog was asleep. **Wendy Park** said Geist was clearly awake because he was barking and protecting his territory. She said the officer already had his gun drawn when he went into the backyard.

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

UNFINISHED BUSINESS

#1. RE: Reconsider the motion made on Tuesday, September 2, 2014:

- a) 8:23:54 PM Adopting a proposal that would amend various provisions of *Salt Lake City Code* concerning the **Consolidated Fee Schedule** pursuant to Petition No. PLNPCM2014-00016. *The proposal would clarify vague, missing, or non-standardized language in the City Code that authorizes fee collection, particularly related to zoning regulations. The proposal also clarifies that fees are not required for petitions from the Mayor, City Council, or Planning Commission, or for historic preservation applications, including new local historic and character conservation districts. (Petitioner Mayor Ralph Becker)* [View Attachments](#)
- b) Setting the date of **Tuesday, October 21, 2014** at **7:00 p.m.** to accept public comment on this ordinance.

Councilmember Garrott moved and Councilmember Mendenhall seconded to **set the hearing date to reconsider an ordinance for the consolidated fee schedule amendments and zoning petition fees**, which motion carried, all members voted aye except Councilmember Penfold who was absent for the vote.

(O 14-20)

#2. RE: 8:24:24 PM **Snow Removal Amendments:**

- a) Adopting an ordinance amending *Salt Lake City Code* relating to **sidewalk snow removal** (amending Section 14.20.070). *Under the proposal, property owners would be required to clear a minimum 42-inch wide path free from snow or ice from the entire length of sidewalk abutting their property, including corners and curb ramps. The proposal specifies that ice would need to be removed to bare pavements, or made as level as possible and treated with ice melt, sand, or similar material.* [View Attachments](#)

Councilmember Garrott moved and Councilmember LaMalfa seconded to adopt [Ordinance 59 of 2014](#).

Councilmember Garrott said the ordinance would work out difficulties the City had in enforcement. He said the proposed ordinance established a 42-inch wide path. He said if a sidewalk was not 42-inches there was language to accommodate that as well. He said

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

it allowed enforcement officers to not give tickets if owners had tried to clear their sidewalks but they were too icy. He said he wanted to speak to the resolution the Council was not going to adopt. He said they had resolved that sidewalk snow removal would be treated on the same level as street snow removal. He said he wanted the Council to continue to consider how serious they were about wanting to keep sidewalks clear during the winter.

Councilmember Luke called for the question, which motion carried, all members voted aye except Councilmember Penfold who was absent for the vote.

b) Adopting a resolution expressing the City Council's intent **that sidewalks should be considered as equally as roads as passages for transit for people in winter** and reasonable efforts should be made to keep them free of snow and ice. **This item was not considered.**

(O 14-21)

CONSENT AGENDA [8:27:29 PM](#)

Councilmember LaMalfa moved and Councilmember Adams seconded to **adopt the Consent Agenda with the exception of H-4 which the Council was removing**, which motion carried, all members voted aye except Councilmember Penfold who was absent for the vote.

#1. RE: Confirming the date of **Tuesday, October 14, 2014 at 8:00 p.m.** to accept public comment and consider adopting an ordinance amending the *Salt Lake City Code* **relating to ground transportation requirements** (amending Chapter 5.71) specifically relating to transportation network companies which use internet apps to connect passengers with drivers. The proposal would: [View Attachments](#)

- Eliminate current restrictions prohibiting non-taxicab operators from providing on-demand service (except at the Airport);
- Eliminate requirements for a minimum number of on-demand taxicabs in the City; and
- Require all ground transportation drivers to obtain appropriate insurance, background checks, and vehicle inspections required by the ordinances.

(O 14-22)

#2. RE: Approving the appointment of **Gwen Springmeyer** to the **Parks, Trails, Natural Lands and Urban Forestry Advisory Board** for a term extending through December 30, 2016.

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

(I 14-11)

#3. RE: Approving the appointment of **Melanie Grayson** to the **Sugar House Park Authority Board** for a term extending through August 17, 2017.

#4. RE: Approving the appointment of **Mark Ban** to the **Golf Enterprise Fund Advisory Board** for a term extending through July 3, 2017.

(I 14-21)

This item was removed from the agenda.

#5. RE: Approving the appointment of **Daniel Page** to the **Transportation Advisory Board** for a term extending through September 25, 2017.

(I 14-18)

#6. RE: Approving the appointment of **Mary J. Woodhead** as an **Appeals Hearing Officer** for a term extending through September 2019.

(I 14-23)

#7. RE: Approving the appointment of **Mathew T. Wirthlin** as an **Appeals Hearing Officer** for a term extending through September 2019.

(I 14-23)

#8. RE: Approving the reappointment of **Richard Dibblee** to the **Golf Enterprise Fund Advisory Board** for a term extending through July 15, 2018.

(I 14-21)

#9. RE: Approving the reappointment of **Andrea Olson** to the **Transportation Advisory Board** for a term extending through September 25, 2017.

(I 14-18)

#10. RE: Approving the reappointment of **Whitney Ward** to the **Transportation Advisory Board** for a term extending through September 25, 2017.

(I 14-18)

#11. RE: Approving the reappointment of **M. Cheryl Heying** to the **Transportation Advisory Board** for a term extending through September 25, 2017.

(I 14-18)

MINUTES OF THE SALT LAKE CITY COUNCIL

TUESDAY, SEPTEMBER 30, 2014

#12. RE: Approving the reappointment of **Hal Johnson** to the **Transportation Advisory Board** for a term extending through September 25, 2017.
(I 14-18)

#13. RE: Approving the reappointment of **Emily Drown** to the **Planning Commission** for a term extending through July 1, 2018.
(I 14-13)

The meeting adjourned at 8:28 p.m.

Council Chair

City Recorder

This document is not intended to serve as a full transcript as additional discussion may have been held; please refer to the audio or video for entire content.

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held September 30, 2014.

bj