

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 9, 2004

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, November 9, 2004, 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 | Nancy Saxton | Jill Remington Love |
| Eric Jergensen | Dave Buhler | |
| Dale Lambert (speaker phone) | | |

The following Councilmember was absent:

Carlton Christensen

Mayor Ross C. "Rocky" Anderson; Gary Mumford, Executive Council Deputy Director; Edwin Rutan, City Attorney; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Love presided at and Councilmember Buhler conducted the meeting.

#1. The Council led the Pledge of Allegiance.

regarding League activities and programs.

#2. Councilmember Turner moved and Councilmember Jergensen seconded to approve the minutes of the Salt Lake City Council meeting held November 2, 2004, which motion carried, all members present voted aye.
(M 04-3)

PUBLIC HEARINGS

#1. RE: Accept public comment and consider adopting an ordinance vacating the east segment of the east-west alley that connects View Street, between the properties at 1974 and 1984 South View Street pursuant to Petition No. 400-03-32. (Highland Dental)

#3. The Council received a presentation from the National League of Cities staff regarding "Promoting Youth Participation".

John Kyle, Outreach and Strategic Planning Program Director, thanked the Council for supporting the National League of Cities. He said he was in Salt Lake City as part of an effort to promote youth participation in municipal and civic affairs. He said an informational packet would be sent to the Council

The following people spoke or submitted written comments in opposition of the alley closure: Arn Gatrell, Bruce Baird, Ning Zhou, Carrie Dickson, Steven Burton, Jeff Knight, Mitchell Rudd, Kris Hanson, and Venita Gatrell. Comments included ingress/egress, snow removal, public right-of-way, granting exclusive use, private driveway, alternative exit, legal counsel,

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adhere to City policies, urban design elements, public safety issues, public benefit, playground, advancing money for a community park or garden, discretionary issues, emergency access, alley maintenance, street repairs, speed bumps, devalued property, access needed by commercial businesses, traffic impact studies, minimal negative impact, sharing neighborhood concerns, and deterring accidents.

The following people spoke or submitted written comments in favor of the alley closure: **Michele Hutchins, John Anderson, Rich Bennett, Steven Whitehead, Eric Rankin, Eric Strain, and Carl Timm.** Comments included business/residential access, increased traffic, business encroachment, master plan requirements, conditional use, barricades, traffic study, excessive speed, parking stalls, shortcut, safety concerns, benefit for local residents, alley maintenance, convenience, and pedestrian safety.

Councilmember Love moved and Councilmember Jergensen seconded to **close the public hearing and defer the item to the next Council meeting.**

Councilmember Love said some issues raised during the public hearing were new to the Council and contradicted previous information. She said she felt the proposal needed further review and clarification. She said some Council Members were absent and felt it was important to have the entire Council

present for the vote. Councilmember Buhler said the proposal was in District Six and he supported the motion. He said the Council did not want to unnecessarily delay the issue but felt it was important to insure a proper decision.

Councilmember Saxton said she opposed the motion. She said the petition did not meet any requirements outlined in the existing alley closure/vacation ordinance. She said she felt it was important to be consistent with Council policies. She said mid-block access or crossings were needed throughout the City. She said this alley was in good condition and should remain open to the public.

Councilmember Saxton said she felt the majority of petitions over the past five years came from homeowners with street front access who benefited financially from closures. She said that type of benefit should not be part of the decision for alley closures. She said if the Council did not have confidence in existing requirements the ordinance/policy needed to be changed. She said the City could work collaboratively with local businesses to install speed control devices.

Councilmember Jergensen said he supported the motion and agreed the Council needed to review conflicting information and address fundamental issues relating to the ordinance. He said he was concerned about the effect of inner-block access into neighborhoods. He said mid-block

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crossings were important in the downtown area because there were 660 feet between intersections. He said mid-block crossings needed to be addressed in neighborhoods because of potential impact on property owners. He said he felt the Council needed to protect the livability of neighborhoods.

Councilmember Buhler called for the question, which motion carried, all members present voted aye, except Councilmember Saxton, who voted nay.

(P 04-28)

#2. RE: Accept public comment and consider adopting an ordinance **amending** Salt Lake City Ordinance 63 of 2004 which approved, ratified and finalized the **budget** of Salt Lake City, Utah, for the fiscal year beginning July 1, 2004 and ending June 30, 2005. (**Budget Amendment No. 3**)

David Price spoke concerning changes to the 900 East 900 South intersection. He said the proposed changes would make the intersection inaccessible to the blind. He said the intersection needed traffic signals to assist the blind.

Mayor Anderson said the proposed roundabout had been taken off the table and the City would pursue other options to improve the intersection.

Councilmember Love said she wanted to assure Mr. Price improvements to the intersection would not include a roundabout. She said surrounding property

owners agreed a roundabout should not be installed.

Phil Carroll spoke concerning flooding along the north side of 900 East between 800 and 900 South. He said funding was needed to address drainage issues.

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

Councilmember Love moved and Councilmember Jergensen seconded to **adopt Ordinance 85 of 2004**, which motion carried, all members present voted aye.

(B 04-14)

COMMENTS TO THE CITY COUNCIL

Douglas Cotent said he felt Photo-Cop should be used throughout the City to help regulate speeding vehicles.

CONSENT AGENDA

#1. RE: Setting the date of **December 7, 2004 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **closing and abandoning** a portion of **Hamilton Place** extending north from 600 South between State Street and 200 East and a portion of **Hawthorne Avenue** extending west from 200 East between 500 and 600 South pursuant to Petition Nos. 400-04-14 and 400-04-15. (**Garff Family, LLC**).

(P 04-30)

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#2. RE: Setting the date of **December 7, 2004 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **rezoning** the rear portion of property located at approximately **1321 South 500 East** from Residential (R1/5000) to Neighborhood Commercial (CN) pursuant to Petition No. 400-01-45. (**Jayson Critchfield**).
(P 04-31)

#3. RE: Approving the reappointment of **Joe Perrin** to the **Transportation Advisory Board** for a term extending through September 24, 2007.
(I 04-16)

#4. RE: Approving the appointment of **Milton Braselton** to the **Transportation Advisory Board** for a term extending through September 24, 2007.
(I 04-16)

#5. RE: Approving the reappointment of **Nafitalai Unga Kioa** to the **Police Civilian Review Board** for a term extending through September 3, 2008.
(I 04-13)

#6. RE: Approving the appointment of **Chantal Methot** to the **Community Development Advisory Committee** for a term extending through July 4, 2005.
(I 04-23)

#7. RE: Approving the appointment of **Joseph B. Wirthlin** to the **Utah Air Travel Commission** for a term extending through September 1, 2007.
(I 04-26)

#8. RE: Approving the reappointment of **Scott McCoy** to the **Police Civilian Review Board** for a term extending through September 3, 2007.
(I 04-13)

Councilmember Jergensen moved and Councilmember Saxton seconded to **adopt the Consent Agenda**, which motion carried, all members present voted aye.

The meeting adjourned at 8:02 p.m.

Council Chair

Chief Deputy City Recorder

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TUESDAY, NOVEMBER 16, 2004

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, November 16, 2004 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 | Jill Remington Love |
| Eric Jergensen | Dave Buhler | Nancy Saxton |
| Dale Lambert | | |

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

Councilmember Love presided at and Councilmember Buhler conducted the meeting.

#1. The Council led the Pledge of Allegiance.

PUBLIC HEARING

#1. RE: Accept public comment and consider adopting an ordinance **amending the Avenues Community Master Plan and rezoning property located at 518 East 3rd Avenue from residential multi-family (RMF-35) to neighborhood commercial (CN)** pursuant to Petition No. 400-04-12. (Requested by Jack Plumb)

Jack Plumb said he represented the property at 318 East 3rd Avenue. He said the lot was 35 feet in width and approximately 80 feet in depth and was used in conjunction with the existing building at 502 East which was zoned CN.

The following people spoke in opposition to the rezoning: Gary Hansen, Albert Reed, Melvin Grossgold, Jonathan Buss, and Lynn Richard Raybould.

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

Councilmember Jergensen moved and Councilmember Turner seconded to **defer action to a future Council meeting**.

Councilmember Jergensen said planning issues had been brought up and more discussion was needed. Council Members Jergensen and Saxton said some of the issues were public health issues and they were concerned about enforcement. Councilmember Lambert said the Council needed to get the issue resolved before the last meeting in December.

Councilmember Buhler called for the question, which motion carried, all members voted aye. (P 04-29)

COMMENTS TO THE CITY COUNCIL

Douglas Cotant said a demonstration was held on City

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property by students from some of the City's high schools. He said the students were expressing their opposition to the Iraqi War. He said the Mayor had urged the students on. He said the war was a Federal issue and City government should not be involved.

Bob Fisher spoke about the Utah Supreme Court and a traffic accident.

John Anderson and **Eric Rankin** said they supported closure of the east-west alley connecting View Street.

Councilmember Buhler relinquished chairing the meeting to Councilmember Love.

UNFINISHED BUSINESS

#1. RE: Adopting an ordinance vacating the east segment of the east-west alley that connects View Street between the properties at 1974 and 1984 South View Street pursuant to Petition No. 400-03-23. (Highland Dental)

Councilmember Buhler moved and Councilmember Turner seconded to **close a portion of the alley.**

Councilmember Buhler said there were strong feelings on both sides of the issue. He said the neighborhood was mostly residential but an intense commercial area was nearby. He said alleys were created when the area was all residential. He said interests needed to be balanced between residential and commercial. He said he felt the interests of residents outweighed

the interests of commercial property owners. He said commercial property owners had at least one and in most cases three ways to enter or exit their property.

Councilmember Buhler said he was concerned that if the east portion of the alley was closed traffic would turn right on 1300 East, go east on Westminster Avenue and then back down View Street. He said constituents living on Westminster Avenue already felt they had a lot of traffic. He said if the motion passed and there was a measurable and substantial increase in traffic on Westminster Avenue, he wanted the Council to reconsider their action and reopen the alley.

Councilmember Saxton said there were three residential properties on the alley. She said two signed the petition and one did not. She said the rest of the people who signed the petition did not live on the alley. She said she was glad the proposed closure would not detour pedestrian access. She said two cars traveling down View Street in an hour was not high impact. She said the north/south exits were not viable because they were narrow. She said traffic should not be forced onto 1300 East. She said everyone should have fair use of the alley. She said she wished there had been more discussion with businesses because they were willing to do some improvements, add speed bumps and discuss snow removal.

Councilmember Saxton said strict regulations needed to be

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established that required property owners to maintain east/west properties if the alley was closed. She said closing the alley only benefited residents and other property owners should have a right to the property. She said she would vote against the motion.

Councilmember Christensen said he opposed the motion. He said he was not convinced closing the alley was the right solution. He said if the Council wanted to reopen the alley if there was increased traffic on other streets then the City should test the alleyway first.

Councilmember Turner said he would vote against the motion. He said the alley provided good access for people. He said he felt closing the alley would be a mistake.

Councilmember Lambert said he had talked to former residents and existing business owners. He said the Sugarhouse Community Council voted in favor of the closure. He said the Sugarhouse Master Plan discouraged funneling traffic from commercial areas to residential areas by the use of alleys. He said the closure was consistent with the master plan. He said neighbors on View Street wanted the closure because they felt it would protect traffic flow in the neighborhood.

Councilmember Lambert said this was public property and the City had proposed keeping pedestrian access open to the alley. He said currently most of the alley use was by vehicles. He said people on View Street would

benefit by the closure. He said apartments and businesses would be restricted. He said he supported the neighborhood and the Sugarhouse Community Council. He said the Council could defer closure and measure traffic on View Street and Westminster Avenue. He said then the City could temporarily close the alley for six months to see what happened with traffic on other streets.

Councilmember Buhler said he had considered a temporary closure. He said he felt that was not the best thing to do because both sides agreed last week to make a decision. He said a traffic count could be manipulated. He said traffic could drive up and down a particular route in order to skew results. He said he felt there was that potential because it was such a contentious issue in the neighborhood. He said he felt it was better to close the alley with the understanding they could revisit the issue.

Councilmember Jergensen asked what the process was if the City found in the future that the closure was negative. **Ed Rutan**, City Attorney, said the City had not given up ownership of the property. He said the use of City owned property would be changed. **Doug Wheelwright**, Planner, said a new ordinance could be passed that would open the alley back up to vehicle use.

Councilmember Jergensen said people he talked to and existing business owners in the area had split votes on what they felt

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should be done. He said it was critically important that the Council create master plans which had real meaning and benefited neighborhoods to help them become viable, sustainable places. He said balance tipped toward closure of the street. He said it was mentioned the apartment complex needed a third access. He said when the apartment complex was designed and construction approval was given, the alleyway was never considered as a specific ingress/egress for the apartment complex.

Councilmember Jergensen said if the owners or the developers of the complex had suggested the alleyway was going to be one of their major ingress/egress points, he felt the project would have been rejected. He said conditional use to the two parcels did not authorize the alleyway as access to parking. He said with subdivision approval it was recommended the alleyway be closed. He said he felt it was never the intention of the Planning Commission that the alleyway even under subdivision exceptions be used as an ingress/egress point for commercial properties.

Councilmember Jergensen said if the commercial area was not using the alley as much as they thought, then closure should not affect them. He said there were three possible outlets for commercial traffic and only a minimal amount used the alleyway. He said he would vote in favor of the motion.

Councilmember Love said she

would be voting against the motion. She said the alley was public property and she was concerned about the apartment building. She said there was not a good entrance or exit if the alley was closed. She said she was concerned about precedence because there were many alleyways in the City that had problems.

Councilmember Love called for the question **which motion failed**, Council Members Saxton, Turner, Christensen and Love voted nay and Council Members Buhler, Lambert and Jergensen voted aye.

(P 04-28)

CONSENT AGENDA

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

#1. RE: Setting the date of December 14, 2004 at 7:00 p.m. to accept public comment regarding a request by North Salt Lake for a voluntary boundary adjustment and consider adopting a resolution. The requested action seeks to remove 80 acres from Salt Lake City's municipal boundary and extend the municipal boundary of North Salt Lake to include 80 acres pursuant to Petition No. 400-04-11.

(P 04-32)

#2. RE: Setting the date of December 7, 2004 at 7:00 p.m. to accept public comment and consider adopting an ordinance amending Salt Lake City Code to allow car wash facilities in the downtown

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(D-2) zoning district pursuant to
Petition No. 400-04-32.

(P 04-33)

The meeting adjourned at 7:59
p.m.

Council Chair

Chief Deputy City Recorder

bj