

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday, December 10, 2014
7:06 p.m.

CITY OFFICES 220 East Morris Avenue – Suite 200
South Salt Lake, Utah 84115

PRESIDING Council Chair Irvin H. Jones, Jr.

CONDUCTING Council Member Debbie Snow

SERIOUS MOMENT OF REFLECTION/
PLEDGE OF ALLEGIANCE Council Member Ryan Gold

SERGEANT AT ARMS Jason Rasmussen, Sarah Lundquist,
Darin Sweeten

COUNCIL MEMBERS PRESENT:

Sharla Beverly, Ryan Gold, Irvin H. Jones, Jr., Kevin Rapp,
Michael Rutter, Debbie Snow and LeRoy Turner

STAFF PRESENT:

Mayor Cherie Wood
Charee Peck, Chief of Staff
Lyn Creswell, City Attorney
Paul Roberts, Deputy City Attorney
Kyle Kershaw, Finance Director
Jack Carruth, Police Chief
Ron Morris, Fire Chief
Dennis Pay, Public Works Director
Mike Florence, Community Development Director
Frank Lilly, Deputy Community Development Director
Glenn Smith, Urban Livability Director
Mont Roosendaal, Public Assets Director
Kristin Reardon, Court Administrator
Aaron Wiet, Recreation Director
Myrna Clark, Deputy Recreation Director
Kristin Reardon, Court Administrator
Craig Burton, City Recorder
Kayla Moss, Human Resource Specialist

STAFF EXCUSED:

Paula Melgar, Deputy City Recorder

OTHERS PRESENT:

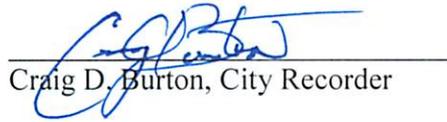
See attached list

A verbatim transcript has been made of this meeting, which is attached and incorporated by this reference, and will serve as the official minutes of the meeting.

The meeting adjourned at 10:00 p.m.



Irvin H. Jones, Jr., Council Chair



Craig D. Burton, City Recorder

December 10, 2014

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Glen Smith	220 E Morris Ave	Urban Livability
Kristin Reardon	220 E Morris Ave	Justice Court
Charae Peck	220 E Morris Ave	Mayor's Office
Dennis Poy	195 W. Oakwood	Public Works
Mont Roosendaal	220 E Morris Ave	Public Assets
Ron Morris	2600 So. Main	FIRE
Jack Pakkuth	2835 So Main St	Police
Michael Florence	220 E. Morris Ave	Community Development
Jinda Hirst	227 E. Burton Ave	self
DAIG COOK	154 E Burton Ave	self
Clara Cook	155 E 2400 St	"
Steve Zimmerman	2316 S. 300 E	community / self
LISA TREVINO	140 E BURTON AVE.	SELF
Amanda Parker	140 E Burton Ave.	SELF
Sue Van Komen	2350 So 200 East	self
Herman Benkorell	2350 So 200 E.	self
Trena Young	321 E. Truman Ave.	self
Karen Young	321 E. Truman Ave.	self
Pat Birch	142 So. Truman Ave.	self
Calvin Birch	" "	"
Karen Rynearson	155 E. Burton Ave	self
Gaylynna Gailey	725 W. 3300 S.	self
Debra Nielsen	725 W. 3300 S	self

December 10, 2014

CITY COUNCIL - REGULAR MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Leonard J. Anderson	366 Vidias ave	Self
Sheldon P. Gortat	220 E. Wentworth Ave. S.L.C. UT.	SELF
Earl Brantzell	220 E Wentworth Ave	SLC via self
Jeanette Post	133 E. 2400 S.	Self
D. Mike Murray	121 F 2400 So	Self
Rick Viles	251 E. 2400 So	Self
Dung Tully	4179 Rivermont Rd	Self
ROBERT RIDING	2295 S. 200 E APT 6	Self
Megan Riding	2295 S. 200 E. #6	Self
RAMON CASTILLO	237 EAST TRUMAN AVE	SELF
Ron Barber	329 Mansfield Ave	Self
Joe Alexander	151 E WENTWORTH AVE	Self
Barbara Alford	151 E WENTWORTH AVE	Self
HAYLEN PRATT	615 E 700 S E 200 #21	SSL Community Dev't Dept.
FRANCIS X LILLY	220 E MORRIS AVE. #200	SSL COMMUNITY DEVELOPMENT
Ed Winter	2992 So 200 E	Self
Bruce R. Baird	2150 S. 1300 E #500	SSL VAG
Rachel Hales	2975 W. EXECUTIVE ACWY, LEHI	SELF
Leslie Jones	235 W. 3680 So	self
Aaron Wiet	2531 S. 400 E.	Recreation
Myrna Clark	2531 S. 400 E	Recreation
Paul Roberts	220 E Morris	City Attorney's Office
Kyle Kershaw	220 E Morris	Admin

CITY OF SOUTH SALT LAKE

CITY COUNCIL MEETING

WEDNESDAY, DECEMBER 10, 2014

7:06 P.M.

Held at 220 East Morris Avenue, Suite 200

South Salt Lake City, Utah

TRANSCRIPTION OF ELECTRONICALLY RECORDED PROCEEDINGS

Transcribed by
RENEE L. STACY
Registered Professional Reporter
Certified Realtime Reporter

A P P E A R A N C E S

CONDUCTING: DEBBIE SNOW

COUNCIL MEMBERS: SHARLA BEVERLY
 RYAN GOLD
 IRVIN H. JONES, JR.
 KEVIN RAPP
 MICHAEL RUTTER
 LEROY TURNER

1 December 10, 2014

2 7:06 p.m.

3
4 P R O C E E D I N G S

5 MS. SNOW: All right. If we're ready --
6 Craig, are you ready? I'm going to call to order the
7 regular meeting for the South Salt Lake City council
8 tonight. Today is December 10th, 2014. It is
9 7:07 -- or 7:06 p.m.

10 My name is Debbie Snow. I'll be conducting
11 tonight.

12 I want to welcome Jennifer Smartt, our
13 sergeant at arms, who's present, correct? Where am
14 I?

15 MR. JONES: Just down the hall.

16 MS. SNOW: Okay. Out in the hall. All
17 right. Perfect. As well as others from our police
18 force. We are going to open with opening ceremonies.
19 Welcome to everyone who is here.

20 Our serious moment of reflection and Pledge
21 of Allegiance will be administered by Ryan Gold
22 tonight.

23 MR. GOLD: Thank you. This time of year --
24 you know, we just finished Thanksgiving, segues right
25 into Christmas, and I thought it appropriate that --

1 you know, I like facts and statistics, and so I was
2 kind of searching through the Internet and found some
3 interesting facts about giving, and so last year it
4 was estimated that a hundred and -- that the
5 volunteer time volunteers spent, what was an
6 estimated \$163 billion of their time.

7 The value of volunteer time, combined with
8 private giving, accounted for just under a half a
9 trillion dollars, and the volunteer time represented
10 a third of that, and there also have been some
11 studies that those that give back or volunteer their
12 time or give, that they're healthier. They're
13 healthier people.

14 And there's also a lot of benefits besides
15 being healthy. It makes you feel good when you give
16 and when you donate. I won't go into details, but
17 there's a list of other benefits. You can develop
18 new skills. You can make social connections. You
19 give back to your community. We do that with our
20 city. We offer opportunities there.

21 We develop and grow as a person. We gain a
22 new perspective for those that are maybe less
23 fortunate. You're able to gain that perspective.
24 Know that you're needed. You boost your self-esteem,
25 and research has shown that the good feelings you

1 experience when others -- may be just as important as
2 the health -- to your health as exercising or a
3 healthy diet.

4 But the smile from a child or a thankful
5 person, that shows you're really making a difference
6 in someone's life, and that, in my opinion, is the
7 best benefit of all.

8 Could the audience rise and repeat after me
9 the Pledge of Allegiance?

10 (Pledge of Allegiance recited.)

11 MR. JONES: Shall we make a motion?

12 MS. SNOW: Yes. Thank you for your
13 comments, Ryan. I think we have a motion on the
14 floor at this time.

15 MR. JONES: I'd like to make a motion that
16 we move, for tonight on the agenda, we move the city
17 attorney comments following scheduling and before
18 citizen comments questions.

19 MR. RUTTER: Second.

20 MS. SNOW: I have a motion by Irvin and a
21 second by Mike. All those in favor?

22 MS. BEVERLY: Aye.

23 MR. GOLD: Aye.

24 MR. JONES: Aye.

25 MR. RAPP: Aye.

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MR. RUTTER: Aye.

MS. SNOW: Aye.

MR. TURNER: Aye.

MS. SNOW: Any opposed? Okay. So we're going to move the city attorney comments up to -- it effectively becomes number 2 after scheduling.

At this point we're going to approve the minutes, though, if everyone has had a chance to review over those November 19th work meeting meetings. Are there any adjustments that people have? If not, then I'll take a motion to approve those minutes.

MR. GOLD: I make the motion that we approve the minutes of November 19th, 2014 work meeting.

MR. RAPP: I'll second.

MS. SNOW: Okay. Motion by Ryan, second by Kevin. All those in favor?

MS. BEVERLY: Aye.

MR. GOLD: Aye.

MR. JONES: Aye.

MR. RAPP: Aye.

MR. RUTTER: Aye.

MS. SNOW: Aye.

MR. TURNER: Aye.

1 MS. SNOW: Any opposed? It's unanimous.
2 We go forward to item number 1, the scheduling.

3 MR. BURTON: Thank you. Remind you that
4 the next regular city council meeting will be on
5 January 14th here in the council chambers at 7:00
6 p.m. Counsel will give you some other dates there as
7 we go along the year that you can see when other
8 meetings are planned.

9 And then upcoming events. Just a reminder,
10 Council Members, that tomorrow is our city holiday
11 luncheon at Columbus Center, noon, if you can make
12 it. And then for everyone, a reminder that the city
13 offices will be closed for the holidays on December
14 25th and 26th and January 1st. Thank you.

15 MS. SNOW: Thank you, Craig. Next up we'll
16 have our city attorney comments.

17 MR. CRESWELL: So last week we had a lively
18 city council meeting, and I was approached by several
19 to kind of give some of my thoughts. I've discussed
20 portions of this with some of you, but I kind of want
21 to take some time to reflect, especially on the
22 public comment portion that dealt with the
23 Truman/Burton closure. There was a lot of give and
24 take and a lot of activity, but some of it kind of
25 created some challenges for us.

1 Public comment is an important part of your
2 process. In fact, I would applaud you for doing an
3 exceptional job in most cases in public comment. All
4 of you are very attentive. My experience with you as
5 a council is you want to make sure problems are
6 solved and information is addressed in public
7 comment.

8 So, I mean, overall I think we do a good
9 job, but last week's public comment broke some of the
10 traditions you have in kind of getting effective
11 information.

12 First off, public comment is not intended,
13 desired, or should be used for intimidation, for kind
14 of cross-examination of city council members or
15 otherwise kind of entering into a dialogue. It's for
16 public comment, to receive public comment. Now, the
17 public comment -- the public can raise questions, ask
18 questions, and make statements.

19 In some cases, it almost begs for a
20 reaction or some kind of immediate remedy. For
21 example, some of your citizens come forward and say,
22 "Hey, I've been dealt unfairly or inappropriately by
23 staff in the city," and I think traditionally you've
24 referred that citizen to the mayor or staff to get
25 their problem addressed.

1 In one comment recently, a citizen says,
2 "Well, I've already talked to such and such on the
3 staff and I'm not happy." I think the appropriate
4 remedy still is to suggest, as a council, we will
5 then get with the mayor or the staff and address the
6 matter.

7 But to take that matter in the meeting and
8 try to either negotiate it, solve it, or address this
9 probably goes beyond the scope of what an effective
10 and responsible public comment period should be.

11 Some citizens may either challenge you or
12 raise issues that affect you personally or perhaps
13 your position or responsibility. I would urge all of
14 you, in that case, to hold your tongue, be reserved.
15 There is opportunity later in a public comment period
16 for a particular action, for each council member to
17 respond, and if you were, for example, asked a
18 question or something to you personally that you feel
19 you want to respond to, wait until the public comment
20 period is ended, and then you can address that in
21 your portion of the comment period or not. You're
22 not required to address it, but if you felt that you
23 needed to address a matter, the appropriate means is
24 to address it later, not to enter into an exchange
25 back and forth between yourself and a citizen.

1 There were a couple of exchanges last week
2 that I felt kind of broke that model of effective
3 public communication and dialogue. One of them was
4 an exchange involving Ryan over the dead-end streets.
5 That went on, and it was kind of disruptive, and it
6 went back and forth.

7 Ryan, you probably should have held, let
8 the citizen speak their piece, and then if you wanted
9 to address it and make a statement later, you could
10 have done that.

11 The other one was the -- asking questions
12 about campaign contributions, and I want to come back
13 to that later, but, I mean, it was like, "Did you
14 make a" -- you know, each person was asked and then
15 expected a response. There should have been no
16 response. Perhaps the city attorney or somebody
17 should have been asked to address that issue later on
18 in the meeting, but the reality is, the tenor of how
19 that question was asked and how it was being
20 addressed kind of moved away from an effective public
21 comment period.

22 Again, public comment is an important part
23 of the legislative process. I'm not trying to say
24 here we should either do away with it, disband it, or
25 dilute it, because we need -- we need that public

1 comment. And maybe the public should be given
2 multiple opportunities, not only here, but responding
3 in writing, providing written information, any way
4 they can get information to us, but it needs to be as
5 focused and deliberative process as possible.

6 Public comment is not helpful if it's
7 threatening or overly demonstrative. Now, it can be
8 demonstrative, but threatening, intimidating is not
9 appropriate. There were a couple of times last
10 Wednesday I felt that the presenters may have crossed
11 the line and become somewhat assertive, intimidating,
12 or even threatening. One was Mr. Cook when he
13 suggested legal action against the city. He can
14 clearly make a claim that we're legally insufficient,
15 and that's an appropriate -- but when he starts
16 threatening legal action against the city, I bristle,
17 the process doesn't work very well, and that's a
18 matter that should be raised outside of a legislative
19 body.

20 The other one was when you were being
21 cross-examined on the campaign contribution issue.
22 Again, I'm going to get back to that in a few
23 minutes.

24 Thoughtful, helpful comments from citizens,
25 there were many last week. I've kind of focused on

1 some negatives, but I would say, on whole, the
2 citizens that came forward addressed the issue
3 squarely, provided helpful information, so let me --
4 don't take me as saying that everybody -- it was a
5 bad -- bad public comment. It wasn't. There were a
6 lot of great and constructive comments. But there
7 were a couple of instances where I think, between the
8 council and the individual, it wasn't as productive
9 as it could have been.

10 Paul and I have talked about, maybe next
11 year, expanding this further and talking to you about
12 kind of meeting management. I know Roy -- I was
13 thinking about Roy. Between Roy and myself, we've
14 got, what, eight decades of public meeting
15 experience? Roy and I have both been dealing with
16 this for a long time, and maybe between Roy and
17 myself, we can talk in a work meeting about effective
18 meeting management.

19 Again, the intent here is not to constrain
20 or control or limit public comment but make sure it's
21 as productive as we can make it, so, Roy, maybe you
22 can work with us and we can give some helpful
23 comments.

24 In addition to the delivery from the
25 speakers, what was going on behind us in the audience

1 was -- was disruptive and had an influence on the
2 conduct, as there was clapping. In some cases there
3 were people speaking up. I know as Mike was speaking
4 over here at the beginning, there were people behind
5 him that were making negative comments and speaking
6 out loud.

7 Behind the mayor and myself, when Bruce
8 Baird was speaking later, there was a lady or
9 somebody behind us who was using profanity. I mean,
10 that doesn't really help to create an atmosphere.
11 I've spent much of my professional life in the
12 courtroom, and judges are very insistent upon
13 decorum. And decorum in any setting, a government
14 setting, produces positive things. It makes sure
15 that we get the information received, that we solve
16 problems, and people are respectful of one another,
17 and that we have civility.

18 Now, I'm not necessarily suggesting we
19 adopt, you know, a judge's mentality here, but, I
20 mean, more -- more decorum, I think, is appropriate
21 for us as a deliberative body, and, again, I think it
22 benefits all of us in a very positive way.

23 Okay. I want to address the whole issue of
24 campaign contributions. Now, some of this is a
25 little personal to me, so let me kind of wax forward

1 here a little bit.

2 So, first off, under state law, you have an
3 obligation under the Municipal Officers and Employees
4 Act to self-disclose possible conflicts involving
5 financial matters, and that's clear. We've trained
6 you on that, and that's an expectation. If there's
7 some contract you have with somebody or some
8 financial obligation, you're -- you have to
9 self-disclose.

10 However, that same statute provides an
11 exception for campaign contributions, and the
12 assumption under state law is that campaign
13 contributions, per se, do not create a conflict of
14 interest for legislative and elected officials.

15 Now, that presumption can be overcome if
16 you received a campaign contribution as a quid pro
17 quo for some future official action you're going to
18 take, but, per se, the fact that you received a
19 campaign contribution doesn't create a conflict and
20 does not require you to make a disclosure.

21 The challenge in Utah is how does a
22 business influence public policy? Well, businesses
23 in South Salt Lake can't vote. Only citizens can.
24 And so, to me, an appropriate, prudent way for
25 businesses to get involved is through the campaign

1 contribution process. So it seems to me we're a
2 healthy community if our businesses participate in
3 the process through campaign contributions. The more
4 of it, the better. It's constitutionally protected,
5 it's legally protected, and it's morally sound to
6 have campaign contributions going to people that they
7 trust, have confidence in, both citizens and
8 businesses.

9 The focus appeared to be, last week, on
10 business contributions to you. I would say if you,
11 as a council, as a policy, wanted to move forward in
12 this area and give more consideration in your
13 delivery process to campaign contributions, you would
14 need to do the same thing with citizens.

15 So citizens and businesses make campaign
16 contributions. The assumption is it's not -- you
17 know, it's not subject to challenge. It doesn't
18 create a conflict of interest. But if, for whatever
19 reason, as a policy body, you decided, "We want
20 everybody coming before us to self-disclose whether
21 or not they've made a campaign contribution," then
22 you need to do that for everybody, not just for
23 businesses, because it seems to me you've got an
24 equal treatment policy if you're going to come
25 forward with that.

1 Okay. To review again, last week, the
2 exchange involving campaign contributions, no council
3 member should have answered the questions. And I
4 think appropriate direction might have been to inform
5 the citizen we do have a process, and most of you are
6 aware, if not all of you, that we have a city
7 ordinance which allows a citizen who believes that
8 there's been an ethical violation to file a claim or
9 a complaint against the elected official.

10 The person could be referred to Craig or
11 myself, and we'll explain the process and ordinance
12 to, and they can file, if they believe, whatever
13 reason, your campaign contribution, you know,
14 violates your ethical obligation.

15 The third thing that could be done -- and
16 Debbie and I talked about this earlier, so this is
17 kind of a response to Debbie's question, "Well, what
18 if a council member felt kind of between a rock and a
19 hard place on this and wanted to self-disclose or
20 make some kind of gesture that they both recognize
21 the problem of campaign finance on this issue? What
22 could they do?" In that same ordinance that I've
23 referred to, the Ethics Act for South Salt Lake,
24 there is an opportunity for an individual council
25 member to request a legal opinion on any perceived

1 conflict with the city attorney, so if you, on this
2 matter or any other, say, "Hey, I received a large
3 campaign donation. This matter is coming before me."
4 The city attorney -- we would sit down with you, do
5 an interview. We'd find out more of the facts, more
6 than just that you received a campaign contribution,
7 and try to determine whether or not there is a link
8 between that and your action and advise you as to
9 what to do. So that is a remedy that we have in our
10 ordinance that is available to all of you as council
11 members.

12 There was a moment last week where Council
13 Member Jones was trying to get your attention,
14 Debbie, and it was an awkward point in the meeting,
15 and you kind of stopped him in his tracks. We've
16 gone back and looked at that. He does have a right,
17 and so do all the council members, if they feel that
18 the meeting is getting out of hand, to raise a
19 concern, and I think that's what he was trying to do,
20 and so a better course would have been to just kind
21 of stop for a minute, figure out what the concern
22 was, and then address it.

23 He has a right, under the procedures, to
24 kind of interfere whenever he wants. For the others,
25 if you had a concern, it would probably be through

1 motion. "I'd like to make a motion that we
2 reinstruct the audience regarding the rules of
3 decorum," or, "I'd like to make a motion that we take
4 a five-minute recess to kind of get our breath and
5 come back at this again," or something like that.

6 I mean, it seems to me that all of you
7 can -- and you as a conducting member would need to
8 be sensitive to that. If a council member is feeling
9 that the process isn't going the right way, you need
10 to kind of allow them to address and raise and
11 resolve their issues, so -- and I'm not just
12 directing at you. All of you conduct, so all of you
13 will be in that same circumstance at some point,
14 so --

15 I did have a little concern that I found
16 out later had been addressed, but I was thinking of
17 Jennifer back there, and I knew Jack was back there.
18 I thought, "Okay. Is two law enforcement officers
19 enough to deal with the sizable group we have
20 here" -- "had here?" I would have said -- my
21 judgment would have been we probably need four people
22 here.

23 As it turned out, Jack was having the same
24 thought I was, and we ended up having sufficient
25 security here, but we need to make sure that we

1 have -- are attentive to that, for all the right
2 reasons.

3 I want to talk a little bit about the
4 relationship between you and the sergeant at arms.
5 And so the sergeant at arms is not going to act
6 unless they get direction from the chair or the
7 person conducting, so let me give you a couple of
8 examples. So, "Mr. Smith, please step away from the
9 microphone. Your time has expired." And then
10 Mr. Smith doesn't step away from the microphone.
11 "Officer Smartt, please assist Mr. Smith away from
12 the microphone." So that would be an example, but
13 Officer Smartt is not going to interfere and do
14 anything unless the chair or the person conducting
15 asks for the officer to do something.

16 "Mr. Smith, please leave the hearing room
17 until you're able to conform your conduct to the
18 rules of this proceeding." Doesn't leave the room.
19 Then Officer Smartt is asked to escort Mr. Smith out
20 of the room.

21 Having said that, if any law enforcement
22 officer sees that there's a threat to or imminent
23 opportunity for injury to person or property, they
24 will act to prevent a crime, so that -- that could
25 happen and would happen if there was any major

1 disruptive event in the hearing.

2 So another item -- and this is more of a
3 practice point. I don't think it was necessarily --
4 it's just a practice point. So, again, this goes
5 back to Roy's and my experience with this. I've been
6 involved in multiple situations where the government
7 receives petitions, and petitions are an important
8 way to communicate, but they lose their value if
9 certain information isn't provided along with the
10 petition, and I don't think that occurred last week.

11 For example, what was the solicitation
12 process and what was the information that was
13 provided as part of the solicitation? I think if you
14 knew or could ask for and receive that information,
15 then the petition has more value to you than if it
16 was just a petition without a lot of context. So,
17 again, practice pointer. Not necessarily something
18 you did wrong, but in the future maybe we can pay
19 attention to that.

20 In this particular case, I think that
21 context would be relevant, because this is an -- not
22 an odd, but this is an unusual action. This is a
23 situation where the city has already agreed to and
24 committed to closure of these two streets, and once
25 this property owner meets the conditions, these

1 streets are going to be closed.

2 What's coming before the council is a --
3 I'll call it a "mitigation proposal." The same
4 property owners are coming forward and saying, "Based
5 on public comment and concerns, we're willing to
6 revise our application and include some additional
7 mitigation that wasn't part of the other one."

8 So the real issue here is more of, is the
9 city happy with the additional mitigation measures,
10 not "Should we close the street or not?" because the
11 decision has already been made to close the street,
12 so -- and Paul and Mike, when they get up during the
13 substantive portion, will nuance that a little bit
14 more and answer all your questions, because I think
15 that needs some clarification.

16 But if I received a petition saying "We
17 don't want a street closed," it would ask the
18 question, "Well, how much did they know?" because the
19 street decision -- closure decision has already been
20 made, so...

21 Okay. So Paul and I were talking about
22 this earlier. I said, "Wow. Have I created a
23 situation where I've convinced everybody that our
24 public hearing wasn't adequate last week?" No,
25 that's not true. It was fully adequate. It was

1 noticed. You got lots of great comments. My
2 comments to you are on improving the process going
3 forward and making sure that we have a deliberative,
4 appropriate process going forward.

5 I don't see anything illegal, wrong, or
6 deficient in last week's hearing. I just think we
7 can do better going forward, so hopefully these
8 thoughts are helpful to you, so thank you.

9 MS. SNOW: Give me a minute to pull that
10 back up.

11 MR. CRESWELL: I do have -- I do have one
12 other item, but I'm going to hang onto it until just
13 before the mayor's -- or after the mayor's comment.
14 It has to do with the Jazzercise thing, and I
15 don't -- it's probably not appropriate to talk about
16 it here, so I'll -- if it's all right, I'll bifurcate
17 my comments and bring that one up later, so...

18 MS. SNOW: Great. All right. So we're
19 going to move forward to the citizen comment section
20 of the night. We open this up for citizen comments
21 or responses about anything coming up on our agenda
22 or any thoughts you have that are relevant to the
23 city and our administration of it.

24 When you come to the podium, you have a
25 five-minute limit to speak. State your name and

1 address and your business at that time.

2 MR. BRUSH: Thank you, city council. My
3 name is Darin Brush. Madam Mayor, too. Excuse me.
4 My name is Darin Brush. I'm executive director of
5 Community Development Corporation of Utah.

6 I'm returning to report, as promised, about
7 a project we did, and I'd like to hand Craig some
8 information to give you, if I may.

9 What he's going to hand you is just a
10 summary of the home that we acquired on Roberta
11 Avenue, 2112 South Roberta Avenue, this year, and we
12 undertook a project together. That was easily the
13 worst home on that block. It was a dilapidated,
14 vacant, terrible-condition home, and we undertook a
15 remodel, rehabilitation of that, in order to make it
16 a safe and healthy home and lift the neighborhood,
17 and this is a summary of what we accomplished.

18 I recognize that most of you came to that
19 event, saw the home, kicked the tires, and we're glad
20 for that. We're very proud of what we accomplished.
21 The neighborhood is certainly thrilled with the home,
22 and, you know, I think it's a bonus that a police
23 officer bought the home, in addition, so we're very
24 pleased with what we accomplished.

25 Thank you for allowing us to be your

1 partner with that. And I think you've got tremendous
2 staff in Mike Florence and Frank Lilly. They get it.
3 They're great to work with.

4 But all that aside, I came to do something
5 I hope is rather unprecedented. You gave us a
6 subsidy. It's recaptured money from years ago that
7 we helped you recapture from a project 16 years old,
8 and you said, "We're going to reinvest that in that,"
9 and we told you that we needed \$24,000. We actually
10 were able to sell the home for more than we expected
11 and so I'm returning to you the \$2,575 that we didn't
12 need for the project.

13 So it's our honor to serve you and I hope
14 we can do more of these. Thank you.

15 MR. RUTTER: Thank you.

16 MS. SNOW: Thank you, Darin. I guess I'll
17 take that. No, I'm good. All right. Well, we
18 appreciate that. Do we have other citizens that
19 would like to come forward?

20 MR. WINTER: I'm Ed Winter. I live At 2992
21 South 600 East. When my area was annexed into South
22 Salt Lake many years ago, we used to see a lot of
23 police officers come by, drive by, more police
24 around. And over the years, it seems like it's
25 getting less and less and less and less people, and

1 now we're getting -- I talked to some police officers
2 and they said, "Well, we're depending on" -- "We're
3 working on the doubled areas, so we don't worry about
4 the quiet neighborhoods," but our neighborhood is
5 starting to get bad.

6 Last week we had a shooting. Some guy got
7 killed over it. Two -- a month earlier, a guy was
8 out on vacation or working out of town. His house
9 was broken into. Two months before that, my house --
10 my rental unit and my house -- my cars were
11 vandalized. We feel that -- the neighbors and I all
12 feel that we need a presence, people -- police
13 officers going around more.

14 I've been retired for 14 years, and I do
15 see more -- I stay home more, so I can see more, and
16 I don't see any police officers. During the summer
17 months, I think we had maybe two or three police
18 officers drive by during the day when we were sitting
19 out on the deck enjoying the afternoon. We like to
20 see -- before it gets too bad -- it's getting worse
21 and worse.

22 And according to -- was it Channel 13 news?
23 -- yesterday, South Salt Lake is number one in crime.
24 Salt Lake City is second. And it's getting -- I know
25 we're shorthanded of police officers. If we need

1 more police, let's get them so we can get some -- you
2 know, we need more people there. When you see a
3 presence of a police officer, it deters people. And
4 I think if we get more people -- police officers
5 coming by, like they used to when we first moved
6 here -- I mean, it was really nice. They'd wave at
7 you and they'd say hi and everything else. Now you
8 very seldom see a police officer, and it's getting --
9 like I said, it's getting -- it's starting to spread
10 more in the city. It's just not the little area
11 they've been working on. It's getting all the areas,
12 because these drug people and the people breaking
13 into houses, they see where cops aren't there.
14 They'll go into that area, because they're not being
15 bothered, you know.

16 So with the presence of a police officer
17 once in a while, a little more, I think we should
18 have -- you know, be able to take care of that
19 problem. South Salt Lake is right in the middle of
20 everything, because right through is the freeways and
21 that. And crime is getting worse here. I hate to
22 say it, but I think it's going to get even worse, so
23 we need to start looking at something to take care of
24 that.

25 MS. SNOW: I appreciate your concerns.

1 Could you state your address one more time?

2 MR. WINTER: 2992 South 600 East.

3 MS. SNOW: Okay. Yeah, I'll just pass that
4 along to the mayor's office who administers our
5 police force, that this gentleman is asking for
6 increased controls in his neighborhood, and hopefully
7 they'll get back on that.

8 MR. WINTER: I reported it, about my
9 residence, my car, and my tenant's car being
10 vandalized. I figure maybe the next few nights we
11 would see more. Never did. Just back to normal
12 again. You know, and one car was in the back in the
13 dark. The other car was right underneath the
14 streetlight. But, I mean, it just needs something
15 more. More police people there, you know. Thank
16 you.

17 MS. SNOW: Okay. Thank you.

18 MR. RUTTER: Thanks, Ed.

19 MR. BRAMHALL: Earl Bramhall, 221 Wentworth
20 Avenue. This is discussion for the closure of the
21 streets. Last week, a gentleman came up here and
22 gave us some figures on these little boxes they put
23 in the street with the tubes going across the street
24 counting vehicles, but what they failed to mention to
25 you all is there's a 1 to 3 percent margin to error

1 on all those electronic counting things.

2 So I put it upon myself to go out there and
3 do it myself. From eight o'clock in the morning till
4 six o'clock at night Thursday I was out there.
5 Actually, I had six people thinking I was looking for
6 spare change and they offered -- one guy offered me
7 \$10 and I turned it down, because I was sitting there
8 counting cars and everything.

9 East- and westbound traffic on Wentworth
10 from State Street to 300 East, there's 42 homes, two
11 apartment complexes, one duplex, one stop sign going
12 east and west on Wentworth. I counted 327 autos, 161
13 pickup trucks, 46 commercial vehicles, 11
14 motorcycles, 16 bicycles, and there were 75 vehicles
15 that did not stop at those stop signs. But that's
16 not what this is about.

17 Also, there's three buses that go both
18 directions twice a day.

19 North- and southbound traffic on 200 East
20 from Burton to 2100 South, there's six homes, two
21 fourplexes, one threeplex, Regency Apartments with 81
22 units, Shadow Haven Apartments with 7 units, Woodwind
23 Apartments complex with 16 units, there's a corner
24 apartment complex on 200 East and Burton, but there's
25 no name on there. They've got 22 units.

1 I counted 371 autos, 107 pickup trucks, two
2 motorcycles, six bicycles, and 71 commercial
3 vehicles.

4 The breakdown on that was not done last
5 week. The numbers that they gave us last week was
6 200-and-some-odd, and they figured about an increase
7 of traffic monthly of 2,700. They're wrong. My
8 numbers with all these vehicles going on these two is
9 over 9,000 vehicles a month. That's not good.

10 The streets, and I measured them today, are
11 42 feet wide. There's on-street parking. The
12 vehicles take up the six feet on each side of the
13 road of this parking, so that leaves 30 feet.

14 Now, if you take buses and commercial
15 vehicles going east- and westbound, people are going
16 to get hurt. People are going to get run over.
17 That's not good.

18 We all know that kids -- you take a three-,
19 four-, five-, six-year-old kid and put them in the
20 yard to play -- I, myself, at that age was totally
21 oblivious to safety. And that's what this is all
22 about, is safety. Kids have no concept of safety.
23 You put them out there in your yard to play, if one
24 of them throws a toy out there in the street, that
25 child has no conception of what it's going to take to

1 go get the toy and not get run over. All that child
2 is thinking about is getting that toy that they've
3 had all their life, so they're going to go, and the
4 only thing they're going to find when they get out
5 there in that street with all that traffic is they're
6 going to meet the bumper of a car or truck.

7 MR. BURTON: One minute.

8 MR. BRAMHALL: But you have -- by doing
9 that and that child meeting that vehicle, you've
10 given the parents one more time to make a final
11 decision for that child, what color casket to put him
12 in.

13 MS. SNOW: Thank you.

14 MR. COOK: Hi again. My name is Craig
15 Cook. I own the properties at 154 Burton and 155
16 24th South. I wasn't planning on speaking tonight.
17 I didn't even bring any paper, so I'm writing this on
18 my check, so -- however, I think it's really required
19 to do so in view of the city attorney's remarks.

20 First thing, I deny and am rather insulted
21 that he said I have threatened the city about a
22 lawsuit. I have just informed the city as to what
23 can happen. I'm not threatening anything. I'm just
24 telling you what the law is and what could happen.
25 So to say that I was improper I think is intimidating

1 to me.

2 Secondly, the city attorney has basically
3 said tonight, "Well, it's already been decided. This
4 deal was decided six years ago." Well, that's news
5 to me, because we went through this in May, and as
6 far as I know, we started a whole new petition, so
7 where he's getting that from, I'm not sure, but if he
8 is, if that's the attitude of the city, then, you
9 know, there will definitely be a lawsuit on that,
10 because the laws that were in effect six years ago
11 are not applicable today.

12 MR. RUTTER: Is that a threat, sir?

13 MR. COOK: That's just a promise.

14 MS. SNOW: I'm sorry. I think we said
15 we're not going to interact that way.

16 MR. RUTTER: All right. I --

17 MS. SNOW: Go ahead, sir.

18 MR. RUTTER: Excuse me.

19 MR. COOK: I'm just telling you what I will
20 do. I'm not threatening anybody. I'm just telling
21 you what I will do, and that is certainly a -- I
22 thought we had gone over that hurdle, that what
23 happened six years ago was dead and buried and that
24 they didn't comply with the conditions. They didn't
25 buy those houses. They were, in effect, trying to

1 eliminate that problem with their new petition, but
2 they can't track it back. And this is why your own
3 people had the new ordinances, the new statutes. Not
4 the ones back then but the new ones as of today, the
5 two requirements of good cause and no harm to people
6 and individuals. That wasn't back there in 2006.

7 So this notion that it's already been
8 approved is completely false, so I think the city
9 attorney needs to re-evaluate the law in this case.

10 Finally, as to intimidation, I think you
11 should have a rule about speakers that -- my wife was
12 giving a -- her public comment concerning the value
13 of real estate, and Mr. Gold started engaging her in
14 a conversation about cul-de-sacs, using up her time,
15 essentially, and in the middle, while she was trying
16 to respond, her time ran out and the sergeant at arms
17 basically pushed her off the podium here.

18 So I think you should have a rule that if a
19 member of the council asks for questions, which is, I
20 think, completely proper, the time shouldn't be
21 counted against the person, because they may want to
22 say their five minutes, not to engage in a dialogue
23 with something that may be completely irrelevant to
24 them.

25 So, anyway, I think this public comment

1 period is very important, and it also forms the basis
2 of a record, and a record is what we use in law, as
3 the city attorney knows, when we establish whether a
4 city council or any government has acted arbitrarily
5 and capriciously, and so the question here, as
6 Mr. Gold was always mentioning, is we like change; we
7 have to have change.

8 The question here is really, does it comply
9 with the statute? Is there good cause, and has any
10 individual been harmed, or is it against the public
11 interest? That is the standard, not --

12 MR. BURTON: One minute.

13 MR. COOK: -- whether we want change. So,
14 keeping that in mind, the public comment is
15 interesting, but it's also a record for any kind of
16 future litigation. Thank you.

17 MS. SNOW: Thank you, sir.

18 MR. BAIERSCHMIDT: My name is Gene
19 Baierschmidt. My wife and I, we own the property at
20 128 East Truman. I just want to say that we were not
21 notified, either, six years ago, and I think -- I
22 think the council still needs to really think about
23 this and that this just seems like it's an inside
24 job, the whole thing from the beginning, and so --
25 that's about all I want to say, is this is not a

1 great civics lesson for any young child that's
2 thinking that everything, you know, is rosy.

3 And, you know, it's just -- it's just
4 disheartening, because I'm sure most of you, when you
5 campaigned for your offices, you said you were going
6 to represent the people. Now you're representing big
7 business and just forgetting about the people that
8 live here, some of them that have lived here for, you
9 know, 30 or 40 years, so -- anyway, that's all I want
10 to say. Thank you.

11 MS. SNOW: Thank you.

12 MS. PARKER: Hi. My name is Amanda Parker.
13 I'm at 140 East Burton Avenue. I am interested in
14 what's happening on Burton Avenue, but that's not why
15 I wanted to come up and speak. I just wanted to
16 publicly comment. I wanted to say thanks for your
17 moment of reflection that you gave today. The first
18 time I attended a city council meeting was right
19 after the Court decided that, you know, public
20 prayers, reflections could be used, and, living in
21 Utah, I was very weary of that, because, you know,
22 being in Utah, we know what that reflection usually
23 means, and the first council meeting I attended, you
24 know, we were all instructed to fold our arms and put
25 our heads down, and I felt a little bit excluded. We

1 live in South Salt Lake, because we love the
2 diversity, and so, coming to this meeting, I just
3 wanted to say thank you, because I know you rely on
4 the public to volunteer to come and do those moments
5 of reflection, and when you don't have public
6 volunteers, I do appreciate you doing something
7 different that also is reflective and thoughtful but
8 not necessarily targeted to one particular religious
9 denomination, so I just wanted to say thank you and
10 maybe possibly reinforce you to keep doing that,
11 because it makes the community feel very welcome when
12 you have lots of people being represented, so thank
13 you.

14 MR. RUTTER: Thank you.

15 MS. BIRCH: My name is Pat or Patricia
16 Birch. I live at 142 East Truman Avenue. I have
17 been involved with this since way back when when you
18 first started. Was it six years ago or whatever?
19 Things have changed a lot since then, and we live in
20 a unique situation where we are right next to the
21 dealership. I feel really badly for the people on
22 Wentworth and Whitlock, and I will let you know that
23 I feel badly for them, because I know the kind of
24 traffic that goes up the street.

25 It's difficult for me to put my thoughts

1 all together here. My situation is a little bit
2 different, and I -- the neighbor that lives up --
3 that just spoke a few minutes ago -- I don't remember
4 his name -- Baierschmidt or something -- his house is
5 the second house from the west, if I remember
6 correctly, the 128. I don't believe he was living
7 there six years ago. Perhaps he was. I didn't know
8 him.

9 The person that lives in the house at the
10 very end of our street, her name is -- her first name
11 is Deana -- and last week they said that they had not
12 contacted her, and so they might not be able to buy
13 the home and whatever. I guess my biggest concern is
14 that if this goes through, the dealership has got to
15 do it right, and the way they have proposed and the
16 way that I have seen, they're saying that 130, which
17 would take this home at 128. That would take the
18 first two homes on our street.

19 If they did that, they could get to that
20 delivery door. If they don't take those two homes,
21 they cannot possibly drive a delivery truck into
22 those doors. I guarantee it.

23 I walked up the street on Saturday, because
24 I was told that they had not been able to contact
25 Deana, so they weren't going to be able to get her

1 home, because they couldn't contact her, and that one
2 of the owners of the homes lives in California, and
3 they couldn't get them, but if they couldn't get
4 those homes, that they would adjust it somehow so
5 that they could still get the trucks in there. It's
6 impossible.

7 That delivery door is directly across from
8 Deana's driveway, and if they do it any way but
9 taking that home, they cannot get their car -- their
10 trucks in there. It is impossible. And they
11 would -- if they did it some other way, they'd be
12 blocking them in. They'd put them in a little -- I
13 mean, it would be terrible. They can't do it.

14 I am concerned that -- and I have been
15 reassured by Mr. Gold that they would put up a fence
16 on the other side and block off the vacant lot across
17 the street from our house. Today, just one time out
18 of many, I saw a truck come up the street, turn very
19 quickly into the east driveway, turn around in that
20 lot, and go back out on the west side, and I realized
21 again that if they didn't, they would still have
22 complete access to that lot from Truman Avenue.

23 It wouldn't eliminate the traffic that we
24 have. We have the traffic not only from the local
25 traffic but also from the business traffic.

1 MR. BURTON: One minute.

2 MS. BIRCH: And so, basically, the traffic
3 is terrible, and our situation is a little bit
4 different. I'm concerned about the other streets and
5 what they have, but I know that if they do block off
6 the street, that dealership has got to meet these
7 conditions. It has to be done right or it's totally
8 unfair to the people on Truman Avenue, even though it
9 will eliminate some traffic.

10 And we don't want to be the forgotten
11 people, either, that we don't get a snowplow down
12 there anymore because there isn't a dealership to
13 keep happy. We would want to still be able to get
14 the services we have, and the list is long, but
15 that's some of my main concerns. Thank you.

16 MS. SNOW: Thank you.

17 MR. CASTILLO: Hello. My name is Ramon
18 Castillo. I live at 237 East Truman Avenue. I
19 bought my house just over a year ago. I had no idea
20 that this was in the works. Of course, with
21 disclosure laws the way they are, they don't have to
22 tell you.

23 My only concern is what I do for a living.
24 I work in healthcare analytics. I will tell you that
25 when I got home from work -- it was Thursday last

1 week -- I decided to go down to Wentworth and around
2 to see how long it -- how much additional time it
3 would take. It only took me about five to seven
4 minutes, because, unfortunately, I caught the S line
5 in the process of going around.

6 My concern with that is, because of the
7 type of work I do, an increase of five to seven
8 minutes in ambulance response time can increase
9 mortality by double. That's my concern, because --
10 sorry to my neighbors. I know all of you are
11 probably 50 years my senior, and so it won't affect
12 me anytime soon, but I do look at what -- how it will
13 affect my neighbors.

14 The problem is, by the time you get down to
15 Wentworth, you turn back around, some of the people,
16 especially those that are on Burton that are tucked
17 in that corner, they're going to be the most
18 affected, because their ambulance times are going to
19 be cut significantly.

20 The current international standard for
21 ambulance response time is eight minutes.
22 Unfortunately, in the United States, we have a really
23 hard time meeting that. China, it gets up really
24 high. But these are the types of numbers I look at.

25 My biggest concern is with the response

1 times and the health of the community and those
2 around me, because, unfortunately, this decision by
3 closing both of the streets, it cuts us off
4 completely from getting any access from State Street,
5 and so that falls under my concerns.

6 I -- of course, if I had known, it would
7 have affected my decision. I won't say for sure I
8 wouldn't have bought my house, but it would have been
9 nice it know that those types of things that were in
10 the works, so, being here just since June of last
11 year, I was kind of shocked.

12 But if you're talking about the need to,
13 you know, positively affect the public, I think the
14 biggest concern should be the response times getting
15 to homes on Burton and Truman Avenues because of the
16 result of the increased ambulance response time,
17 which does cause -- it can double the mortality
18 rates, which really -- you know, for me right now,
19 it's not a concern, but for my neighbors, it's --
20 it's much more of a concern. And, unfortunately, I'm
21 not there to do CPR all the time, so I just wanted to
22 point that out, so -- thank you.

23 MS. SNOW: Thank you. Is there anyone else
24 that would like to come forward during the public
25 comment period? I think we have...

1 MS. BAWDEN: Hi, again. I spoke last week,
2 Stephanie Bawden. I'm so glad --

3 MR. RUTTER: Address, please.

4 MS. BAWDEN: Address?

5 MR. RUTTER: Uh-huh. Thanks. Thanks.

6 MS. BAWDEN: I'm living with my dad right
7 now on Quail Point Road. 4719 Quail Point Road.

8 MR. RUTTER: Thank you.

9 MS. BAWDEN: Daryl Roberts' daughter,
10 property owners of Shadow Haven and Woodwinds. I am
11 so glad that this man that just spoke brought up the
12 safety factor for the fire and ambulance service.
13 That's been one of our biggest concerns.

14 You know, originally when I started helping
15 my father, who just had surgery on Monday -- that's
16 why he's not here, so I'm speaking in behalf of him
17 as well. You know, we were mainly concerned about
18 the -- you know, the decrease -- possible decrease in
19 valuation of the properties because of these three
20 closings, but after last week, going door to door,
21 getting people aware of the meeting and signing our
22 valid petitions -- we did explain to the people what
23 they were signing and what was going to happen, and,
24 you know, meeting these residents and hearing their
25 concerns and comments about how the traffic was

1 already so bad and how opposed they were to these
2 street closings and really getting myself emotionally
3 invested with these residents and caring so much,
4 that that's been my main concern.

5 I just feel like maybe the city needs the
6 tax dollar monies really badly for -- to vote for
7 this dealership to go ahead, but I just really feel
8 like it's important to think about the residents and
9 what their needs are for safety and inconvenience.

10 Also, I wanted to mention -- I just lost my
11 train of thought. Oh. If any of you city council
12 members plan on moving in the next couple of years, I
13 think you should -- your vote should vary upon if you
14 are still going to be in the neighborhood. It's
15 possible that some of you city council members might
16 be moving, you know, in the next few years, and so it
17 wouldn't be as much of a concern to you. But,
18 please, I beg and plead of you to think of these poor
19 residents and the inconvenience, and mainly the
20 safety, as well as the devaluation of property. And
21 thank you for your time and effort.

22 MR. JONES: Thank you.

23 MS. SNOW: Thank you. Are there any
24 further comments? Okay. We have one more. Okay.
25 We've got --

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UNIDENTIFIED SPEAKER: (Inaudible).

MS. ALEXANDER: My name is Barbara Alexander. I live at 151 East Wentworth Avenue, and I noticed when I was -- in 1990 -- excuse me, two -- 1994, when Joe and I moved to the area, I noticed that it was very easy to pull out of the driveway, but then, as time went on, it got worse to where Joe had to wait more often. And now it's to the point to where, you know, we -- we still can get out okay, but the thing is, I'm really concerned that if that traffic gets any worse, we're going to be waiting longer, and I -- and I -- and I just -- and, you know, I think that we might end up having traffic accidents with people pulling out of their driveways.

And that sounds kind of minute, maybe, but in my -- I -- you know, when it comes to car accidents, they're very expensive, and I really don't think we should try to -- we should try to find a way to -- if you want to block those off, then find a way to divert traffic to where it's not coming -- going to turn Wentworth into a freeway somehow. Try to divert -- put signs up to go a different direction somehow, and maybe that will help and maybe you could -- that could be a service. Thank you.

MS. SNOW: Thank you.

1 MS. BERNALES: Sorry. My little girl
2 doesn't want me to be up here. My name is Heather
3 Bernales. I'm at 141 East Wentworth Avenue. You
4 heard from me last week and I just had a few more
5 things.

6 I noticed over the years -- the traffic has
7 kind of been compressed in this neighborhood already.
8 You know, a gentleman mentioned 2400 South, the
9 expansion of the exit closed off that street.
10 Commonwealth on the other side by 21st South, they
11 had that island or something put in because of the
12 traffic issues of 21st South peeling off onto that.

13 And so already the traffic has been
14 compressing down onto some of these other streets,
15 and now, when we talk about two more streets being
16 closed, that further compresses, you know.

17 And I went to some of those Sugar House
18 streetcar meetings and they were talking about how
19 their projections for traffic for 24th South are just
20 going to be -- traffic is going to get much, much
21 worse. And so I think, you know, planning for the
22 future -- we're talking about we know that traffic is
23 going to increase, and why would we compress down our
24 avenues for diluting that traffic when we are already
25 planning on putting in more apartments, multi-housing

1 units?

2 I mean, we have a plan for the future for
3 growth, but this will hinder that plan for the
4 future. And, you know, I mean, I live on Wentworth,
5 and, of course, I don't want to see increased
6 traffic. Nobody wants to see increased traffic.

7 I really appreciate that you guys were
8 listening to complaints that people did not like the
9 kind of traffic coming from the dealership and what
10 was happening on the dealership on Truman and Burton,
11 and I really appreciate that you are trying to think
12 of ideas to address that, and I think everyone
13 appreciates that. I just don't think that this is
14 the solution. I think we need to think of something
15 else.

16 I mean, I -- you know, I -- people want
17 that addressed, but I hear louder that they don't
18 want this, and so if we can think of a different
19 solution, start over. You know, maybe it's "Would I
20 rather have this or that?" I, myself, would rather
21 have more traffic from the business than have those
22 streets closed down completely.

23 And, you know, I don't want to speak for my
24 neighbors, but I -- that's sort of what I'm hearing,
25 so -- you know, I mean, the gentleman from Chrysler

1 Dodge, he mentioned a car dealership cannot
2 survive -- or it doesn't function well if it's in
3 three pieces, and I totally understand that, but we
4 didn't do that to them. You didn't do that to them.
5 The City of South Salt Lake did not split them into
6 three pieces. They did that to themselves. I mean,
7 just the way they have structured their business,
8 that's the way they're structured. And if it's not
9 working for them, then they can come up with a
10 solution, but they -- it's kind of like them causing
11 a problem and we're rewarding them for causing a
12 problem by giving them more, giving them our street.

13 So if we need to start over, I'm not quite
14 sure, but I really feel like it's -- you've done your
15 due diligence and you've collected the information,
16 but until last week, I don't think we had all the
17 information. I think we -- yeah, we all showed up
18 maybe at the 11th hour, but we showed up, and we gave
19 you more information so that you can look at the
20 complete picture, and I think now you've got a
21 complete picture.

22 The traffic study, the gentleman mentioned
23 he didn't even have it until right before that
24 neighborhood meeting. So a lot of this information
25 is coming in at the last minute, so we need to slow

1 down and look at all of the information. And it's
2 not so much "Can we do this," because, you know,
3 we've -- they've put together their map and how they
4 would do it, and they took input of how they would
5 modify it. And yeah, it can be done, but what we're
6 saying is, "Should it be done? Should it be done?"
7 And I think every person that has come up here says,
8 "No, this doesn't work. Thank you for trying to
9 solve this problem, but no thank you. We don't want
10 this."

11 So I just want to echo that, and thank you
12 very much for taking the time and listening to us,
13 and it's okay to start over. It's -- I know you've
14 invested a lot of time in this, but it's okay --

15 MR. BURTON: One minute.

16 MS. ALEXANDER: -- to start over or to just
17 say, "This isn't going to work." I appreciate that
18 the gentleman from Chrysler Dodge and his team have
19 jumped through all the hoops they had to. They've
20 done the traffic study. They had to do this, they
21 had to -- they had to do mailings, but that doesn't
22 mean that they're entitled to have this pass.
23 They -- it just didn't demonstrate clearly enough
24 that it failed the law of being a benefit to the
25 people and not being a damage to our community, so

1 that's all I wanted to say. Thank you.

2 MS. COOK: Hi. Elena Cook, 154 Burton and
3 155 East 2400 South. Regarding the count of the
4 traffic, you're not taking into consideration that
5 during the rush hour -- see, right now cars go in
6 different directions. Some go -- some exit through
7 Truman; some exit through Burton, et cetera. When
8 these two streets are closed, they will be all going
9 in the same route, so it will be a maze with
10 obstacles.

11 So they will go on 2nd East, they will go
12 on Wentworth, and what will happen, there will be a
13 huge traffic jam. It will be a bottleneck. So that
14 is important, because theoretical musings don't apply
15 here, because if you block the streets, then
16 everybody would go through the same channel and there
17 would be a great increase in traffic during the rush
18 hours in the morning and at night.

19 Now, another point I want to make is UDOT
20 plans, one of which involves building a ramp through
21 the area, so I'm quite concerned about the plans of
22 this dealership and I'm concerned for their bottom
23 line. Why would they be expanding and building so
24 much if the future is that uncertain? Because I did
25 see the pictures. I went to the UDOT meeting and I

1 did see the pictures and I did see this big ramp
2 going through. One of the solutions to the
3 congestion on the freeway and on the exits, one of
4 the solutions involved the ramp through the whole
5 area, so I don't want to inconvenience this business.
6 I wish it success in another locale.

7 So that's all I wanted to say. Thank you
8 very much.

9 MS. SNOW: Thank you.

10 MR. BAIRD: Members of the Council, Madam
11 Chairperson, Madam Mayor. I'm only going to address
12 one issue. My name is Bruce Baird. I'm counsel for
13 the applicant. I assume that your staff would
14 address it, but just on the off chance that they
15 wouldn't, I will point out that Burton and Thurman
16 are proposed to be gated, crash gated, and that means
17 they're accessible for emergency access, and that
18 means there's no diminution in emergency response
19 times. Thank you.

20 MR. RIDING: Craig Riding. I live at 2295
21 South 200 East, Apartment 6, the Woodwinds
22 Apartments. One of the comments that was made
23 earlier -- I was hoping maybe I could ask a question,
24 maybe get a response. There was a comment made that
25 the decision has already been made. Is that the case

1 or are you guys still trying to decide on this?

2 MS. SNOW: I think we're going to have to
3 have that discussion during the council -- when we
4 come to that on the business item. That is a concern
5 that I think I have, and we're going to discuss that
6 when we come to our council period.

7 MR. RIDING: So it hasn't or it has?
8 That's my question, is, like, really? Because if it
9 has been made, then all of us have wasted our time
10 here, last week, the neighborhood meeting, all that
11 kind of stuff. If the decision has already been made
12 and it doesn't matter, then why are we here? So
13 that's -- that's my main concern. If it's already
14 been made, great. We can deal with it. But, like
15 the one lady said, it needs to be done right. The
16 dealership needs to take into consideration the
17 safety factor for them. Doesn't mean that we need to
18 be less safe. And all of their traffic would need to
19 go through that area, respectfully.

20 I mean, I don't want to force them to do
21 anything, but I would hope that they would consider
22 that if they're getting two streets and we're
23 supposed to all go a different way, then they need to
24 use just those two streets. Like I said before, I
25 sit right across from their back gate on 2nd East,

1 and they use that gate all day long, and if this
2 happens and they get two of our streets, two of the
3 city streets, two of the neighborhood streets that
4 are being given to them -- because, like you guys
5 said, they're not paying for them, they're not buying
6 them, so -- I mean, I guess that theory makes it so
7 that you can take them back whenever you want. If
8 they're going to get those two streets, then they
9 need to make sure that that's the only access that
10 they're using.

11 Like the one lady said, not using the
12 parking area on the street, I mean, because people
13 park all the way down Truman when they come visit the
14 dealership, and if they're going to be taking those
15 two streets, then they need to be using just those
16 two streets, and that's it.

17 I also asked why we were doing this last
18 time, and I was hoping that I could get a response on
19 that. Is it because of the revenue that the
20 dealership has promised to be able to expand or is it
21 because of the safety of their workers or is it
22 because of the safety of the citizens? Anybody
23 want -- care to answer that?

24 MS. SNOW: I think we've decided that we're
25 going to have to discuss this during our city council

1 discussion period, which is later down on the agenda,
2 so I've noted your questions, and I think we'll
3 address that at that time.

4 MR. RIDING: Okay. I appreciate it. Thank
5 you for the time.

6 MS. RIDING: Hi. My name is Megan Riding.
7 Same address as him, 2295 South 200 East, Apartment
8 6. A couple questions I have to add to your list
9 would be my same frustrations. Like, we all came
10 last week. We all seemed to -- like we still had a
11 say in this. Even you guys acted like we had a say,
12 you know. Like, you should have shut us down during
13 the beginning, like, "We're sorry. Decision has
14 already been made. Voice your concerns. We'll see
15 what we can do from this point, but this is
16 happening." And that -- that wasn't the impression I
17 got.

18 So my question is, how do we take our
19 streets back if they're gone? I think we have just
20 as much support as a dealership has at this point,
21 and that's a week's worth of people saying we don't
22 want this. I mean, I can spend more time and find
23 more people that don't want it, too.

24 So I would be interested in knowing how we
25 can take our street back, if it's gone, because if

1 they are the city's and we can take them back at any
2 point, let the dealership have it for a week, let
3 them have it for a month, let them have it for a year
4 so they can get their little streets worked out and
5 their gates put up, but we want them back, so how do
6 we get them back, would be my question. Thanks.

7 MS. SNOW: Is there -- it looks like -- do
8 we have anyone else coming forward? Yes, we do.

9 MR. VILES: Hi. My name is Rick Viles, and
10 I live just, like, as the crow flies, straight across
11 the street on 24th -- 24th South. And I'm just -- I
12 just needed to raise my concern, too, also, because
13 I -- now knowing that this thing is probably going to
14 go through, it concerns me greatly, as far as -- I
15 just keep getting these nightmarish visuals of, here
16 in a couple years, traffic becoming so horrendous on
17 2nd East going north and south, of people getting,
18 you know, upset with not being able to get on State
19 Street, that there's going to be an influx of traffic
20 coming over 24th East just to get out of that
21 neighborhood to go up to 3rd East, you know, and find
22 a different way to get over to State Street or over
23 to 2100, you know, to get over to State Street. I
24 can just see that being a nightmare.

25 And if that happens, you know, I'm sure

1 traffic would pick up, just like we were all talking.
2 And coming up 24th South, I think the welfare of the
3 children is at stake, too, because there's a lot of
4 children that are out there playing on 24th and, you
5 know, Burton and Truman, you know, all the way up
6 through there. It's a huge concern.

7 And, you know, I was just wondering why
8 there wasn't a possibility that maybe they could
9 purchase some of the property across the street, like
10 where the Utah Auto Gallery is or something, but I
11 don't know what's all involved with that, but yeah,
12 it's a concern of mine, because there's a lot of
13 people on 24th South there that are very concerned
14 about, you know, their children out there playing,
15 and, you know, I have a couple elderly people that
16 live next to me and it's real concerning to me, so I
17 just wanted to state my concern. Thanks.

18 MS. SNOW: Thank you, sir. I'm seeing no
19 one else coming forward at this period -- at this
20 point. Is there anyone else? No, I'm seeing no one,
21 so I'm going to close the public comment period,
22 our -- or our -- let's see. Our citizen comment
23 period, and I'm going to go forward to the mayor's
24 comments.

25 MAYOR WOOD: Yeah. I just wanted to share

1 two brief things with you this evening. NAMI is a --
2 NAMI, which stands for National Alliance on Mental
3 Illness, has agreed to do a mental health first aid
4 class, and (inaudible) South Salt Lake director
5 Carrie Cutler stated that there were some council
6 members that were interested in participating. She
7 just wanted me to share a save the date with you, so
8 the next -- the next class that they'll be holding in
9 South Salt Lake is Saturday, January 10th, from 9:00
10 a.m. to 6:00 p.m. here in city hall on the third
11 floor.

12 And then just kind of a fun little piece of
13 information. The governor picks -- Governor Herbert
14 picks one school in the entire state to share his
15 holiday message with, and he actually picked Granite
16 Park Junior High, so he'll be there tomorrow at
17 10:30. That's all I have tonight.

18 MS. SNOW: Thank you. We move forward to
19 city council comments, starting --

20 MR. CRESWELL: I have --

21 MS. SNOW: Oh, I'm sorry.

22 MR. CRESWELL: I had one additional thing.
23 So last week --

24 MS. SNOW: But we moved your comments to
25 earlier, right?

1 MR. CRESWELL: I asked it to be split.

2 MS. SNOW: Okay.

3 MR. CRESWELL: That was my request.

4 MS. SNOW: Sorry. I may have missed that.
5 Go ahead.

6 MR. CRESWELL: Okay. So Alison came before
7 you and raised a question concerning Jazzercise, and
8 I promised Debbie that I would provide you additional
9 information, so I did a background memo, put it in
10 your box. If you have any questions. If not, we'll
11 move forward in addressing the Jazzercise program.
12 So I provided you quite a bit of information, so --
13 that's all I had.

14 MS. SNOW: Thank you, Lyn. All right.
15 We'll go forward to city council comments, starting
16 with Mike.

17 MR. RUTTER: Thank you. I do have a couple
18 things I wanted to say concerning the city. Number
19 one, with regards to the CDC and the house that was
20 built and purchased and what has gone on with the
21 city, a citizen mentioned the forgotten people.
22 People here tonight need to know that you're not
23 forgotten, that we work very hard, as a council, and
24 I work very hard to make sure that the forgotten
25 people, like the remodel of the home that was sold to

1 bring citizens back into the city, is very, very
2 important to me, and I'm sure it's important to the
3 other six council members.

4 So, forgotten people, that should never be
5 said, and if you folks think that we've forgotten
6 you, shame on me as a council member, because you're
7 not forgotten. You're important. Citizens are
8 important to this city, commercial is important to
9 this city, everyone is important to this city because
10 we need to work together so that we can improve what
11 goes on in this city.

12 One of the citizens, regarding crime rate,
13 that he said that our crime rate -- or someone made
14 the point the crime rate was the second highest in
15 the county. I think that's false. Our crime rate is
16 down with youth 60 percent, 30 percent with adults.
17 And response to ambulance time, the average response
18 time in this city is four minutes, not eight minutes
19 like the standard.

20 So we are aware of what the needs are in
21 this city, and I personally am offended when people
22 say that we forgot about you and don't care about
23 you. I care about you. I care what goes on in this
24 city. So I just wanted to make those points, and
25 glad that we have the opportunity to hear from you.

1 We wish more of you would come all the time. We'd
2 love to hear from you so that we can hear what's
3 going on and what your concerns are so that we can
4 move with the business of South Salt Lake. Thank
5 you.

6 MS. SNOW: Ryan?

7 MR. GOLD: I passed out a little rendering
8 of a proposed development along the streetcar line,
9 and it will be something that would be discussed in a
10 work meeting on the 14th of January, so -- and I wish
11 everybody happy holidays. We won't be reuniting till
12 after, so -- that's all I have. Thank you.

13 MR. JONES: Nothing tonight. Thank you.

14 MS. SNOW: I have nothing at this portion
15 of the meeting.

16 MR. TURNER: Nothing.

17 MR. RAPP: I've got two things. First of
18 all, I'd like to wish everybody happy holidays.
19 Second thing is, is I wanted to express my gratitude
20 to the police department, the South Salt Lake Police
21 Department and the West Valley Police Department. My
22 car was stolen out of my driveway last Sunday and it
23 was recovered the same day, thanks to some very good
24 police work. An officer decided to run a license
25 plate in an apartment complex and not only recovered

1 my car but also got a dangerous felon off the street
2 who not only had drugs but illegal guns that he had
3 stolen, so -- but I'd like to express my gratitude to
4 both those police departments. Thank you. Good
5 work.

6 MS. BEVERLY: I just wanted to thank our
7 recreation department. We have two wonderful people
8 here. Aaron is our director. And we attended the
9 breakfast with Santa on Saturday. It was a huge
10 success, very crowded, and I know that took a lot of
11 work to set that up. And my son is also
12 participating in Junior Jazz, which is going great,
13 and I appreciate all the work behind the scenes and
14 the people that are running the program, so thank
15 you.

16 MS. SNOW: Thank you. Okay. We'll move
17 forward to the first item on our unfinished council
18 business agenda. It's a presentation by Pinnock
19 Robbins Posey & Richins. It's our comprehensive
20 annual financial report from the auditors. If they
21 could come forward at this time.

22 MR. KERSHAW: Thank you. Thanks. I give
23 this spiel every year, and I'm only going to take a
24 couple minutes, but it's important for you to know
25 that you act as the audit committee for the city.

1 The mayor is not responsible, the finance director
2 isn't responsible. You, as the elected city council,
3 are the audit committee, and you are, by state law,
4 entitled to a report every year on the financial
5 statements of the city, and that's why we are here
6 tonight.

7 By law, the auditors have to report to you
8 certain things. We're just not up here every year to
9 say, "Hey, we finished the audit and we feel really
10 good about things." By law, they have to report
11 certain things to the city council regarding their
12 audit work for the season.

13 Just quickly, what they do is during --
14 I've mentioned this many times. During the year, we
15 do thousands upon thousands of financial transactions
16 in the city, from payroll to utility bills, dog
17 licenses, accounts payable. Whatever it is, every
18 one of those items generates a financial transaction,
19 and by the end of the year, there's thousands of
20 them, hundreds of thousands that get compiled into
21 our financial statements.

22 Our financial statements, we try to do the
23 best we can at the end of the fiscal year to make
24 sure all those transactions have been recorded
25 properly and are presented properly. What the

1 auditors do, they come in, look at those financial
2 statements and that financial information and then
3 render an opinion whether it is fairly represented to
4 you, as the audit committee, and to the public as a
5 whole.

6 So tonight I'm joined by Danny Barlow, a
7 partner with Pinnock Robbins Posey & Richins, who
8 they -- as you recall last spring, you authorized
9 them -- we went through a proposal process and you
10 authorized them to conduct the audit this year and
11 for the next couple years. So I appreciate the help
12 we get from the city council, from the mayor's
13 office, and the help we get from the auditors and
14 from the members of our financial -- the department
15 of finance who compiles all this information, and
16 I'll turn the time over to Danny.

17 MR. BARLOW: Thank you. Appreciate the
18 opportunity to be here with you tonight. I know your
19 meeting is running long, so I'll try to keep this as
20 brief as I can, but before I start, just -- I'll let
21 you know, as a council, if you have any questions
22 after you've had a chance to digest this, feel free
23 to, you know, contact Kyle, and through him, you
24 know, we can certainly provide you with any
25 information if you should require it, so --

1 You should have in front of you the bound
2 financial report for the year. It's -- this is
3 referred to as a comprehensive annual financial
4 report, and this is -- this includes all of the
5 financial statements of the city, as well as certain
6 other statistical information and some other
7 introductory items that are included in the report,
8 and this is, I guess, above and beyond the minimum
9 requirement, and the city for many years has
10 completed the CAEFR, we refer to it as, and you'll
11 see there just -- I like to point out on Roman
12 numeral page 5, so right near the beginning there is
13 the Certificate of Achievement for Excellence in
14 Financial Reporting for the June 30, 2013 year, so in
15 the prior year, the city was awarded the Certificate
16 of Excellence in Financial Reporting, and that's
17 certainly something that is very commendable and a
18 great credit to Kyle and the finance department,
19 so --

20 We ultimately, in conducting all of the
21 audit work that Kyle has described to you and
22 sampling and making sure that financial statements
23 are materially correct, we ultimately issue our audit
24 opinion, so you'll see that there in the financial
25 section. It's right there on page -- it's on

1 letterhead, but it's page 1 of the report. And this
2 is our audit report on the financial statements.

3 You'll see there on page 2, at the top of
4 that page it states that "In our opinion, the
5 financial statements referred to above present
6 fairly, in all material respects, the respective
7 financial position of the governmental activities,
8 the business-type activities, each major fund, and
9 the aggregate remaining fund information of the City
10 of South Salt Lake as of June 30, 2014 and the
11 respective changes in financial position."

12 So, again, that is an unmodified or a clean
13 opinion on the financial statements. That's as good
14 as it gets for the financials.

15 We also report -- we have a couple of other
16 reports that are included in the very back of the
17 report. Pages 99 and 100. These reports never get
18 shorter, but they seem to get longer. Pages 99 --
19 this is our report on internal control over financial
20 reporting and compliance in accordance with
21 government auditing standards, okay?

22 So here we report to you basically any
23 internal control deficiencies that we identify in the
24 course of the audit. And you'll see there at the
25 bottom of the page that during the -- our audit, we

1 did not identify any deficiencies in internal control
2 that we considered to be material weaknesses, as
3 defined here, and that is -- that's -- you know,
4 again, that's very -- a wonderful result and
5 certainly what you like to see as a council. We had
6 nothing that we were required to report there.

7 Over the page, you'll see another report on
8 letterhead. This is our report on compliance for
9 each major program and internal control over
10 compliance required by OMB Circular A133. This is
11 what we refer to as "the single audit report." So
12 this is a report that covers all of the expenditures
13 of federal award money that the city has received.

14 If you flip back to page 104, page 104 is
15 the schedule of expenditures of federal awards, and
16 this details out all of the federal money that the
17 city has spent during the year. You'll see there was
18 approximately \$1.2 million of federal grant money
19 that the city has received. Much of that comes
20 through the state or through the county, you know,
21 various departments, but in the course of our single
22 audit test work, we look at these, we identify major
23 programs, and then we issue our opinion, and, again,
24 we're pleased to report that we had -- that the city
25 complied -- this is on page 102 on the top -- the

1 city complied in all material respects with the
2 compliance requirements referred to above that could
3 have a direct and material effect on each of its
4 major federal programs for the 2014 fiscal year.

5 Lastly, just one more report that we issue
6 in here, and that's on page 107, right at the very
7 back. This is a report on compliance and the related
8 controls in accordance with the State Compliance
9 Audit Guide, so these are matters that are identified
10 by the Office of the State Auditor of the State of
11 Utah. They -- their office goes through and
12 identifies general state compliance requirements that
13 you're required -- as a city, you're required to
14 follow. And we look at the compliance items, as well
15 as the controls surrounding it, and then report on
16 that.

17 On page 108 is our opinion there. Again,
18 this is a clean opinion stating that the city has
19 complied in all material respects with the findings
20 there.

21 Immediately below that you'll see a section
22 called "other matters." There is one compliance
23 finding that is required to be reported to you. It
24 does not affect the opinion. It's still an
25 unmodified opinion. And this is not a new finding.

1 This is something that's been, you know, in place for
2 some time. This -- it's on page 110. This refers to
3 the ambulance services fund, which, as you know, has
4 a deficit in its fund balance or its net position.
5 So this resulted from the early costs incurred when
6 this fund was set up several years ago.

7 Since then, the city, you know, in the
8 budget, approves a transfer to help cover shortfalls
9 in the operating, so this deficit position is not
10 growing. It's simply kind of carrying along there.
11 And the state code requires the city to maintain a
12 positive fund balance in all the funds, and this is
13 the reason why this item has to be reported, so --
14 but, again, that's nothing new.

15 So those are the reports there. Just a
16 real quick overview.

17 The other item you'll have there is just
18 that letter that was handed out to you separately
19 from the bound report. I won't spend much time on
20 this, other than to state this letter simply puts in
21 writing certain communications that we, as an audit
22 team, are required to give to you as a governing
23 board.

24 Included in here is information about the
25 responsibilities of management for the financial

1 statements and what our responsibility is as the
2 auditor. We highlight a few -- some information
3 about some of the disclosures in the financial
4 statements. We do state in there that we had no
5 significant difficulties in dealing with management
6 in performing our audit, and we did not have any
7 disagreements with regard to financial accounting
8 reporting or other auditing matters that need to be
9 communicated.

10 And, lastly, the city management has
11 provided to us a management representation letter,
12 which we are required to receive in conjunction with
13 the audit.

14 So, with that, if there are any
15 questions -- excuse me. One last thing. I'll just
16 point to you pages 7 through 17 of the report. This
17 is the management's discussion and analysis. This is
18 prepared by Kyle and management and provides a good
19 overview. This is a big report. There's a lot of
20 information to digest, but that management's
21 discussion analysis provides some highlights, some
22 comparative information with the prior year, and so I
23 would simply refer you to that for a good place to
24 find some information at a more summarized executive
25 summary level, if you will, so -- any questions on

1 the audit?

2 MS. SNOW: I don't think -- I see none.

3 MR. KERSHAW: And I think we have a
4 resolution in front of you, just for you to
5 acknowledge that you've received this report and your
6 acknowledgment that we've reported to you.

7 MR. TURNER: If there's no discussion, I'll
8 make a motion on this. I move that we adopt the
9 resolution accepting the audit report for fiscal year
10 ending June 30th, 2014.

11 MR. RUTTER: I'll second.

12 MS. SNOW: Okay. We've got a motion by
13 Roy, second by Mike. All those in favor?

14 MS. BEVERLY: Aye.

15 MR. GOLD: Aye.

16 MR. JONES: Aye.

17 MR. RAPP: Aye.

18 MR. RUTTER: Aye.

19 MS. SNOW: Aye.

20 MR. TURNER: Aye.

21 MR. GOLD: Roll call.

22 MS. SNOW: Okay. We'll do that on a roll
23 call vote, beginning with Sharla.

24 MS. BEVERLY: Aye.

25 MR. GOLD: Aye.

1 MR. JONES: Aye.

2 MR. RAPP: Aye.

3 MR. RUTTER: Aye.

4 MS. SNOW: Aye.

5 MR. TURNER: Aye.

6 MS. SNOW: Okay. It's unanimous. We --

7 MR. KERSHAW: Thank you.

8 MS. SNOW: -- passed that resolution.

9 Thank you.

10 All right. Item 2. Paul Roberts is going
11 to present to us on our trees ordinance. Proposed
12 tree ordinance.

13 MR. ROBERTS: Good evening. Hopefully you
14 got in your Dropbox -- we have two versions of the
15 tree ordinance. One includes -- that was the
16 previous draft. That includes the new changes
17 allowing for the administrative action for someone
18 who is maintaining a nuisance tree on private
19 property.

20 We have an option B, though, with --
21 basically just leaves in place what we have currently
22 in the code and removes the sections that are new
23 related to that. Of course, the thinking behind that
24 was if we're going to expect some new work out of
25 urban livability, that it needs to be funded.

1 I think Kyle has a little bit of
2 information about the actual costs out of this fiscal
3 year. Kyle?

4 MR. KERSHAW: Yeah.

5 MR. ROBERTS: Why don't you come on up here
6 and talk about that real quick.

7 MR. KERSHAW: All right. What we put
8 together here -- you were asking about partial year,
9 and so I just want to quickly go through this. We
10 don't know exactly what an employee would be hired
11 at, depending on prior experience, but we guessed it
12 would be at a grade 14, step 1, which is pretty much
13 an entry level-type individual.

14 So you can see, based on that salary and
15 the benefits, you have a cost for one month, a cost
16 for six months, and a cost for an annual employee.
17 We kind of have to break this down between a high and
18 a low, because if an employee is hired and requires
19 family medical insurance, the city pays more for a
20 family policy than it does a single policy, so that's
21 why it's kind of hard to know until you are dealing
22 with specific individuals.

23 But as you can see, on the six-month
24 amount, you have a range of about -- if somebody was
25 hired January 1st, you have a range from about 22- --

1 about 23,000 to 19,000 on the low end. Of course,
2 that could be reduced if somebody didn't get hired
3 until February 1st or -- I think Glenn mentioned last
4 week that he has unused funds in a part-time account
5 that was about \$16,000, which would cover a lot of
6 that.

7 Then you have the annual column over on the
8 other side, and so, to try to put together an annual
9 total program cost, we just took kind of the middle
10 between the high and the low on the employee and
11 figured that would cost 42,000, and then you see the
12 other expenditures going down that column on the
13 right, which comes to a possible financial commitment
14 of \$68,000 that would be required to sustain a
15 program like this, you know, year after year. And so
16 I'm hoping this is the information that you were
17 looking for.

18 Again, in our opinion, we think it puts
19 Glenn in a situation if you want -- I guess it's
20 difficult to hire somebody full time, not knowing if
21 that will be sustained past July 1st, and so, you
22 know, we are a little leery or a little bit hesitant
23 if you say, "We just want to go ahead with this for
24 four or five months," not knowing what the commitment
25 would be.

1 I guess our position is that if you do want
2 to have this program, that you would probably make
3 some sort of a commitment that this would be
4 sustained into future years and we could -- you know,
5 we would figure out how to deal with it, so...

6 So do you have any question on the numbers?

7 MR. RAPP: Yes, I do have one.

8 MS. SNOW: Kevin.

9 MR. RAPP: In the public assets, we were
10 previously given 10,000, and now it's up to 20,000.

11 MR. KERSHAW: I believe the information
12 that was given, it said 10,000 would be transferred
13 over from existing funding from the capital fund and
14 allocate an additional 10,000 through the remainder
15 or for an annual appropriation, so a total of twenty.
16 That's the information that I'm interpreting here.

17 MR. RAPP: Okay.

18 MR. TURNER: Debbie?

19 MS. SNOW: Yes. Go ahead, Roy.

20 MR. TURNER: I'd like to make a comment.
21 My comment isn't for or against, but it's one of
22 perhaps stating the obvious. If we make a decision
23 tonight to approve this, we're approving it for
24 multiple years, because once we hire somebody, it's
25 going to continue from year to year, so this is a

1 commitment that's not just for six months.

2 Now, I know what you're talking about here,
3 Debbie, that we say we're going to do this for six
4 months, and Kyle has just said we need to do it for
5 more than six months, and whatever we do,
6 financially, in the personnel game, this is going to
7 carry on over and over and over from year to year.
8 So it's not just a quick shift of some monies from
9 one place to another to get us by this year. We're
10 making a pretty significant decision here.

11 MS. SNOW: I agree.

12 MR. RAPP: I have one other question, and I
13 don't know if the mayor has the answer to this one or
14 not, but we were talking about this last week. Was
15 there any more information about the CDBG funds
16 allocated by the county?

17 MAYOR WOOD: It just still -- the status is
18 still --

19 MR. RAPP: Still the same?

20 MAYOR WOOD: -- as it was last week.

21 MR. RAPP: Okay. So we could --

22 MAYOR WOOD: There are some cities that are
23 rallying together to approach Mayor McAdams and have
24 him consider a different way, but --

25 MR. RAPP: Okay.

1 MAYOR WOOD: -- as of right now, that's the
2 new way of doing business with CDBG funds.

3 MR. RAPP: So we may just not receive any
4 funding from that at all?

5 MAYOR WOOD: If we do, we will have to fill
6 out an application and submit it, and it would be
7 specific to whatever project we wanted to submit.

8 MR. RAPP: Okay.

9 MAYOR WOOD: So you're asking for the --

10 MR. RAPP: Well --

11 MAYOR WOOD: Usually we utilizes some of
12 the CDBG funding --

13 MR. RAPP: Yeah, yeah.

14 MAYOR WOOD: -- for --

15 MR. RAPP: That's part of this budget.

16 MAYOR WOOD: We would have to put an
17 application in for that.

18 MR. RAPP: Okay. Thank you.

19 MS. SNOW: Okay. Did you have more for us,
20 Paul?

21 MR. ROBERTS: No. So -- I mean, the
22 options before you are to approve either option A,
23 approve option B, you could continue this to another
24 date, you could approve nothing and keep the tree
25 ordinance how it is. It's up to you.

1 MS. SNOW: So if we approve the ordinance
2 under -- I guess it's option A -- without the private
3 nuisance trees portion, does that -- that changes the
4 look of the program significantly or no? I mean,
5 how -- the funding estimate here.

6 MR. ROBERTS: If we go with option A, which
7 is the original amendment, then we're presuming that
8 you're okay with us hiring that full-time person and
9 moving forward with private nuisance tree abatement.
10 If we go with option B, then we would just be --
11 there are still some changes. Mont and Dennis would
12 still -- they'd run their programs. You know, we
13 would take that 20,000 out of the capital account and
14 use it for tree purposes this year, but we would not
15 move forward with any sort of private tree nuisance
16 abatement program.

17 MR. RAPP: So I guess my question is, is if
18 we wish to move this to, you know, a future date --
19 well, let's just put it -- if we adopt one of the
20 options, can we adopt the other option if we decide
21 that the budget can handle it? Let's put it that
22 way.

23 MR. ROBERTS: You could always come back in
24 April or May or something when you are -- you know,
25 when you've got your budget more figured out, and you

1 could come back and just say, "Hey, we'd like to see
2 that private nuisance." I've got -- I've got
3 Microsoft Word. I can -- I can put it back in.

4 MR. RAPP: Okay. All right.

5 MR. ROBERTS: Not a problem.

6 MS. SNOW: Okay. So I would just say I
7 don't -- I don't think I'm comfortable with the
8 funding provision of this any longer and, for that
9 reason, I would -- I would want to go with option B
10 or no action. That's my thoughts. Any other
11 thoughts?

12 MR. JONES: I agree with Debbie that --
13 which is surprising, and I would like to go with
14 option B. Just having got this tonight, I would
15 prefer to digest this a little bit until the next
16 budget. And I agree with Roy that, when we are
17 talking about full-time employees, that's somewhat of
18 a commitment and a long-term budget thing.

19 The other items that -- the tree abatement,
20 especially initially, I would think, would be higher,
21 because we've neglected that, but over time I would
22 hope that some of the tree abatement costs would go
23 down.

24 MR. ROBERTS: And those are a
25 self-funding -- largely self-funding funds. It just

1 takes usually four to five years for the funds to get
2 back, so at some point maybe it wouldn't need to be
3 funded quite as much every year.

4 MR. JONES: Okay.

5 MR. GOLD: I have a question.

6 MS. SNOW: Ryan?

7 MR. GOLD: Kyle, do we have -- do we have
8 the funds to fund this?

9 MR. KERSHAW: For short term or long term?

10 MR. GOLD: For long term.

11 MR. KERSHAW: There's none identified. As
12 I mentioned last week, when we do a budget amendment,
13 we'll usually -- well, in almost every case we come
14 with a revenue source. This doesn't have a revenue
15 source, and so you would -- you would weigh this
16 against the other programs and demands in your -- in
17 your next budget that you will deliberate over here
18 in the next few months. So there's not a revenue
19 source identified for it. It doesn't mean you
20 couldn't elect to cut something or to raise a fee or
21 raise a tax to fund it, if you wanted to, in future
22 years.

23 MR. GOLD: If we were to pass this today,
24 or option A, where would the money be coming from to
25 hire this person?

1 MR. KERSHAW: It would come out of your
2 savings. It would come out of fund balance. That
3 would be the -- the -- there's not -- like I said,
4 there's not a revenue source for it, so you would be
5 dipping into your fund balance to fund this until we
6 get to the next budget year, and then you would -- in
7 the mayor's tentative budget, there would be some
8 proposal made of some way, how to fund this.

9 We don't like to budget consistently out of
10 fund balance, because eventually your savings dries
11 up, so our goal would be to make this somehow some
12 sustainable program, like I said, either by raising a
13 revenue or by cutting another expenditure somewhere.

14 MR. GOLD: Yeah, I understand where it's
15 going to come -- where it could come from --

16 MR. KERSHAW: In the future --

17 MR. GOLD: -- next budget.

18 MR. KERSHAW: Yeah. It would come out of
19 your --

20 MR. GOLD: But from right now --

21 MR. KERSHAW: It would come out of your
22 savings.

23 MR. GOLD: Is this -- is this a -- is
24 this -- is this a recommended -- I mean --

25 MR. KERSHAW: No. We're not making a

1 recommendation whether to do this or not to do this,
2 as far as a funding issue. We're -- what we're
3 saying is that this is what it's going to cost and we
4 don't have a revenue for it. But if -- again, if you
5 decided tonight that you wanted to go with option A,
6 which is -- we would -- we would come -- a budget
7 amendment next month and say, "You need to take, you
8 know, some amount of money out of savings to fund
9 this, to do it this year," and -- or -- or -- let me
10 put it this way: We would use probably that
11 16,000 -- if we were going to do it in short term, we
12 would use the \$16,000 that he hasn't used for part
13 time, probably do the un- -- the unutilized abatement
14 money that's left in the capital fund. That probably
15 gets you through till June 30th.

16 I guess the question would be, in our
17 minds, is, does the mayor include it in her tentative
18 budget come next April. We -- that would be -- we
19 don't know.

20 MS. SNOW: Okay. Irvin?

21 MR. JONES: I'd like to separate the
22 full-time employee out of the nuisance tree -- the
23 private nuisance tree ordinance, and so it appears
24 that if we didn't do that part, we have the funding
25 for the full-time employee until June, and then after

1 that -- we're already funding half time, so the
2 increase for the next year would be the full 42, but
3 we're already budgeted for half of that, so it's
4 still just 21. Is that the way my math -- or do I
5 have fuzzy math?

6 MR. KERSHAW: I'm sorry. I -- I got lost.

7 MR. JONES: If we separate -- we're talking
8 about a couple issues here. One is not being able to
9 find a part-time employee that will stay or is
10 quality, and so we're talking about, one, funding a
11 full-time employee, and then the other issue is
12 whether or not we accept the liability and the
13 funding to -- for public -- I'm sorry, for private
14 trees, and so if we're already funding -- we already
15 have the assets for the half year full time, next
16 year we've already budgeted for half time, so our net
17 budget increase that we would be looking at for the
18 next fiscal year would be about 20,000, 22,000.

19 MR. SMITH: For the employee.

20 MR. KERSHAW: I'm sorry. I just --

21 MR. JONES: That's scary when a councilman
22 can confuse an accountant.

23 MS. SNOW: I think you're just taking half
24 of the personnel costs, is -- right? Is 21?

25 MR. RUTTER: Yeah. But then that's gone

1 and we've got to come up with the whole fund again,
2 so it's --

3 MR. JONES: Well, we're already budgeting
4 for half.

5 MR. RUTTER: Just for -- just for a half
6 year.

7 MR. JONES: So then we just have to fund --

8 MR. RUTTER: Not for the next year. We've
9 got to start all over again.

10 MR. KERSHAW: Well, for next year -- okay.
11 Now, listen --

12 MR. JONES: Okay. So -- so you're saying
13 just -- so we're already funding for half.

14 MR. RUTTER: For this year.

15 MR. JONES: For this year. And so that
16 might be in the budget already for next year for the
17 half.

18 MR. KERSHAW: Okay.

19 MR. JONES: So the net budget increase
20 would just be another half, about 22,000, with the
21 benefits.

22 MR. GOLD: Plus benefits.

23 MR. JONES: Yeah, about -- according to
24 this --

25 MR. KERSHAW: Well, it would -- if I

1 understand correctly, if you're just talking the
2 personnel part of this, not the abatement part, but
3 the personnel part, our guess for a full-time
4 employee is going to cost you 42,000. That might be
5 high or low by two or three thousand dollars. You're
6 saying then -- but you have your current funding that
7 you've already identified is 16,000, which means you
8 have to come up with about 26,000, give or take two
9 or three thousand dollars, to make the employee
10 sustainable in a full year?

11 MR. JONES: Correct.

12 UNIDENTIFIED SPEAKER: Okay.

13 MR. JONES: Yeah. So it's not the whole
14 42, because we've already budgeted about half.

15 MR. KERSHAW: Right. You'd have to come up
16 with 26.

17 MR. JONES: Yeah.

18 MR. KERSHAW: But I guess the -- what Glenn
19 would have to weigh in on is, is there any use having
20 a full-time employee if you don't have the other
21 tools to deal with whatever problems would come in?
22 Glenn can certainly address that.

23 MR. JONES: I'll have to check on the
24 chickens.

25 MR. SMITH: That's another discussion.

1 MS. SNOW: They already back out the half
2 of the employee.

3 MR. GOLD: Glenn?

4 MR. SMITH: Yes, sir?

5 MR. RAPP: One other thing I was --

6 MR. JONES: That's if we do --

7 MR. GOLD: Just a minute.

8 MR. RAPP: Glenn, I have a question for
9 you.

10 MR. GOLD: I was asking him a question.

11 MS. SNOW: Sorry. You had a question,
12 Ryan?

13 MR. GOLD: I did. How much work do you
14 have for -- if you had a part-time employee that was
15 capable of doing work? You got a lot of work for him
16 right now?

17 MR. SMITH: Yes, so --

18 MR. GOLD: In the winter months?

19 MR. SMITH: Yeah. That part-time position
20 right now is slotted to take care of graffiti removal
21 on public right-of-way, pick up shopping carts,
22 remove yard signs and For Sale signs on -- so, again,
23 that's the general look of our city.

24 MR. GOLD: You don't have a part-time
25 employee right now?

1 MR. SMITH: No. I -- I would have a hard
2 time --

3 MR. GOLD: (Inaudible) shopping carts.

4 MR. SMITH: I'm having a hard time filling
5 that position because it's --

6 MR. GOLD: Right.

7 MS. SNOW: Nobody wants to do that.

8 MR. SMITH: Right. That's a tough job,
9 so...

10 MR. GOLD: So full time would double his
11 capacity of start trimming trees and stuff, right?

12 MR. SMITH: Yes, doing that, and then also,
13 like I said, probably 30 percent of the time we will
14 utilize them for community connection outreach.

15 MS. SNOW: Okay.

16 MR. TURNER: I have a question.

17 MS. SNOW: Okay. Sorry. Kevin was next.

18 MR. RAPP: Okay. So this new personnel --
19 then this new person that you're hiring, he's not
20 going to be dedicated just solely to the tree
21 situation, though?

22 MR. SMITH: Again, I'm -- I'm allotted a
23 half position right now, and so this new position
24 would take on those responsibilities and then
25 adding --

1 MR. RAPP: Yeah. So -- so -- but only part
2 of this -- so only part of his responsibility would
3 be for the trees, although we're covering the entire
4 costs here on this paper?

5 MR. SMITH: I guess the tree --

6 MS. SNOW: That (inaudible) the current
7 funding on the paper as well, right?

8 MR. SMITH: Yeah. And the tree issue is --
9 it's -- it's --

10 MR. RAPP: It would just add to his --
11 yeah.

12 MR. SMITH: Right.

13 MR. RAPP: Add to his burden. Okay. So
14 it's not --

15 MR. SMITH: There's a lot of steps I
16 foresee when it comes to private trees, and so you're
17 going to need somebody to follow it from point A to
18 point Z, all the way through to a potential lien or
19 to use as block grant funds if we're talking about
20 maybe doing a grant program for those that might be
21 income qualified, so there's a lot of small details
22 that -- that, you know, we need to consider.

23 MR. RAPP: Okay. Then --

24 MS. SNOW: Oh. Did you -- okay. Roy's
25 turn.

1 MR. TURNER: Check me and see if I've got
2 my head on straight here, will you, please, Glenn?
3 It seems to me that what we're talking about is
4 you're needing a full-time employee to do the tree
5 situation. At the same time, you're going to need
6 somebody in your organization to do graffiti removal
7 and those other things. So it doesn't seem to me
8 we're talking about one person. We're talking about
9 a person and a half still, effective next July.

10 MR. ROBERTS: No, because the -- the --
11 we've got a part-time need right now. We're
12 anticipating that the tree will be a part-time need,
13 also, so the two part times would be one full time,
14 so it would be -- trees account for about half.

15 MR. TURNER: Okay.

16 MR. GOLD: So, if I may, it appears that
17 we're unable to find or keep a part-time employee at
18 this point to even accomplish the graffiti and stuff
19 that you need, and we're going to need the tree, if
20 not later, sooner. I see that we need to -- my
21 opinion is that we need to look at this a little
22 closer and consider a full-time employee, because
23 things are not getting done, and this is a way to do
24 that, and it looks like it's going to be put into the
25 budget next year, anyway.

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MR. TURNER: Debbie?

MS. SNOW: Mike. Mike is next.

MR. RUTTER: So if we -- if we don't approve either A or B and we put this into next year's budget, we won't do anything until when?

MR. ROBERTS: If we just leave the ordinance how it is, nothing really changes. You could address this during your budget discussions and decide whether you want to fund this starting in July, and then we move forward at that point.

MR. RUTTER: Okay. But if we approve B, then we use the funds that we have, and we have a part-time person taking care of graffiti, or we're going to hire a full-time person to do both?

MR. ROBERTS: It would be a part time. That's what's been budgeted, is a part time. So if we choose B, then part time remains for the graffiti --

MR. RUTTER: No change.

MR. ROBERTS: -- and shopping cart. If they could find someone, then they would fill that role.

MR. RUTTER: Is that going to be tough to do, Glenn?

MR. RUTTER: Part-time -- anybody here in

1 the audience looking for a job part time?

2 MR. SMITH: It does take a while, also, to
3 hire, so even when we put the announcements out and
4 go through the process, you're still looking a month
5 or two down the road.

6 MS. SNOW: Okay. I think Roy had a --

7 MR. TURNER: I'd really like to know where
8 the priority is on this. I don't know whether that's
9 something for the mayor to discuss later on. I'm not
10 trying to put you on the spot, Mayor, but is this
11 high enough priority -- the question in my mind, is
12 it high enough priority that we're going to either
13 fund it from savings from now on or until we can
14 generate something, print some Confederate money or
15 something, or is it going to be high enough priority
16 to bump something else out? I don't know the answer
17 to that, but I'd sure like to know.

18 MAYOR WOOD: The -- updating the tree
19 ordinance issue actually came to us from the council,
20 so council members brought it to us and requested the
21 fix. I think what my staff has done is to try to
22 find the most cost-savings way to put that together.
23 Since it would be housed in Glenn's department, it
24 made sense that maybe we make this part-time position
25 a full-time position.

1 I honestly think that it has been my staff
2 trying to provide information to -- for the council
3 to make a decision.

4 MR. TURNER: Then it's probably going to be
5 in your budget that you give to us next March or
6 April, then.

7 MAYOR WOOD: Potentially.

8 MR. TURNER: Okay.

9 MS. SNOW: Sharla?

10 MS. BEVERLY: Yeah. And I was just going
11 to add, yes, this came from -- and I believe Kevin as
12 well had some tree issues in his district. I'm
13 looking at plan B, and I'm going to run a scenario by
14 you, and I -- maybe you can clarify for me. So
15 within plan B, if there's a dead tree, huge dead tree
16 that could fall and cause harm, can we still, even
17 without the funding in this option B -- it's --
18 I'm -- as I'm reading it, it seems like we can still
19 serve notice and require the owners to abate. Do we
20 still --

21 MR. ROBERTS: Under existing code, the city
22 forester or the city arborist can -- they can order a
23 person to abate the nuisance tree. What we didn't
24 have was the -- sort of the procedure that we would
25 follow and the way that you would make that happen.

1 It's been equated based on how we do things now.

2 So yeah, they could still issue the order
3 and say, "You need to get it done." You'd probably
4 be looking at filing a criminal complaint against
5 them --

6 MS. BEVERLY: Right, so --

7 MR. ROBERTS: -- as a class C misdemeanor.

8 MR. RUTTER: And that's under B if we
9 approve B.

10 MR. GOLD: That's because there's nobody
11 to --

12 MS. SNOW: That's status quo.

13 MR. GOLD: -- cut it down for them.

14 MR. ROBERTS: Yeah, and that would be
15 status quo, and so that -- I guess that would fall on
16 Joaquin, and I don't know --

17 MR. GOLD: Hopefully not the tree.

18 MR. ROBERTS: Here's Mont. He can address
19 whether Joaquin has time to do that.

20 MR. GOLD: Don't want the tree to fall on.

21 MR. ROOSENDAAAL: Well, at this point, it's
22 not the intent to use Joaquin to cut trees down.
23 Joaquin has a full-time job doing what he's doing,
24 and we're a little short on that. Joaquin becoming
25 an arborist, that's a good tool for you to use for

1 this program. And we're really excited about what
2 Joaquin can bring to the table, but as far as him and
3 his group, we won't be cutting trees down. We'll
4 be -- we'll be aiding in any tree that needs to be
5 evaluated and action taken. Small things, you bet.

6 And as you separate these things into the
7 three departments, so, in publicly owned trees, you
8 know, that would be Dennis and I, and where we can do
9 that, you know, we would do it. But as far as --
10 until we have some different direction, we would not
11 be using Joaquin and his group to start trimming and
12 cutting trees down. We -- we don't have the
13 resources to do that. He's just -- he's just a
14 valuable tool, now that he's an arborist, to help you
15 with making the right decisions and to cut down on
16 some of the contracting that we would have to do for
17 action on trees.

18 MS. SNOW: Okay. Mike?

19 MR. SMITH: Can I interject, also, to maybe
20 answer Council Member Beverly's question? If we go
21 with plan B and we get a complaint of a dangerous
22 tree, again, this plan A outlines that direction for
23 the city to take. Plan B is, okay, who -- which
24 department? The fire marshal going to come over and
25 potentially call it a hazardous tree? Who is going

1 to follow that all the way through and, you know,
2 work with the property owner if they resist? Now you
3 have to prepare enough information to come to court
4 in front of the administrative law judge and, you
5 know, express the danger and potentially have the
6 problem abated and then a lien placed.

7 So I understand your question, but to not
8 have the tool in place to take it all the way
9 through, I think that would be a challenge.

10 MS. SNOW: Mike?

11 MR. RUTTER: I want to give citizens that
12 live here the benefit of the doubt. I'm -- I keep
13 hearing from you and from everybody else that we have
14 got a bunch of citizens that they ain't cutting down
15 their tree, no matter what, because "you just don't
16 tell us what to do." I think they're citizens. If
17 they've got a bad tree and we find that neighbors are
18 complaining, that you can go to them, I think, in
19 good faith. I will give the citizens that live in
20 this city good faith if they say, "All right. I'll
21 take the sucker down."

22 So I'm thinking that maybe we need to take
23 a little bit of more time. And we know this issue
24 has come before us. It's come before me. I would
25 like to maybe have you jot down some -- for the next

1 six months, jot down some facts of what's happened.
2 Give us some more -- give us some more detail of the
3 complaints you're -- how tough -- how tough is it to
4 get a citizen to take down a tree that's dead, they
5 know it's dead, and they know it's a problem? Help
6 me a little bit on that. I -- I think that we've got
7 good citizens in this city that will take down the
8 bad trees, except the one that you know about, and I
9 don't know if that's a --

10 MR. RAPP: They've never contacted them
11 yet. See, that's -- that's the problem. They've
12 never actually found out whether or not this guy will
13 do it.

14 MR. RUTTER: I want to have -- I want to
15 have a little -- a little bit of stick time. And I
16 know it's a burden on you and I know it's a burden on
17 your staff, but help us a little bit. We are a tight
18 city with -- we don't want to hire new people that we
19 can't fund for, but if it's a necessity, like Roy
20 says, we'll find the money, because it's a safety
21 hazard and it's a safety issue. But give me six
22 months. Come back to me in three months or six
23 months and say, "Here's the problems I'm having.
24 Here's what I can't get done. Here's what I can get
25 done." And if it's -- if it's that bad, we've got a

1 bunch of folks that just won't help us, I'm -- I'll
2 vote for a -- I'll vote for a full-time employee.

3 MS. SNOW: Okay. So it sounds like -- I'm
4 feeling, from a number of different directions, not a
5 willingness to pass it now, so do I have a motion to
6 that effect?

7 MR. RUTTER: I'll make the motion that we
8 do not pass this ordinance at this time but that we
9 take some active statistics about problems that we're
10 having with regards to trees, specifically, come back
11 to us in three months, six months, give us some more
12 statistics, some more statistical information that
13 will help us find a need -- or find a reason to hire
14 a full-time employee.

15 MR. JONES: Could you refine that motion a
16 little bit?

17 MR. RUTTER: I make a motion that we put
18 this on hold for six months.

19 MS. SNOW: Or during the budget process.

20 MR. RUTTER: During the budget process.

21 Very good.

22 MS. SNOW: Okay. Anyone want to second
23 that? Did you second?

24 MR. GOLD: No. I'm confused on whether we
25 table this or do option B.

1 MR. RUTTER: We're not doing anything.

2 MR. GOLD: If we table it, what happens?

3 MR. ROBERTS: The motion was to continue
4 this unfinished business at a future date during the
5 budget discussion.

6 MR. GOLD: Right.

7 MR. ROBERTS: So it would just leave the
8 ordinance as is.

9 MR. RAPP: I'll second that, then.

10 MR. GOLD: There would be no --

11 MR. RUTTER: Nothing.

12 MS. SNOW: No A or B.

13 MR. GOLD: No intervention to a dangerous
14 tree.

15 MR. RUTTER: Sure, there will be, but --

16 MR. ROBERTS: What Mike's asking staff to
17 do is to try and contact people and see what the
18 response is from -- from property owners, so staff
19 will do what we can.

20 MS. SNOW: Okay. So I had a motion from
21 Mike and a second from Kevin. I'm going to do a roll
22 call vote, just because I feel like it, and I'm going
23 to start with Sharla.

24 MS. BEVERLY: I feel like I have another
25 question, so I'm going to say nay.

1 MS. SNOW: Okay. Well, I apologize if we
2 went to the motion too quickly, but I think we've got
3 to vote at this point.

4 MR. RAPP: Aye.

5 MR. TURNER: Aye.

6 MS. SNOW: Aye.

7 MR. JONES: Nay.

8 MR. GOLD: Nay.

9 MR. RUTTER: Aye.

10 MS. SNOW: So I think that was four in
11 favor, so we're moving this to unfinished business to
12 be brought back during budget season. Thank you.

13 We're going to move forward to item number
14 3 on the council agenda on the proposal to vacate a
15 portion of Burton and Truman Avenues and the alley
16 between Burton and Truman Avenues. Mike Florence is
17 going to present this to us.

18 MR. CRESWELL: So Mike has asked me to
19 address the issue I raised earlier regarding kind of
20 the legal context here, so in March of 2008, the city
21 council of South Salt Lake did approve, upon
22 application, the closure of Truman and Burton. That
23 particular action had some conditions associated with
24 it that have not yet been met. They could still be
25 met and may be met, but they haven't been met as of

1 this time.

2 So the owner came forward earlier, and you
3 probably remember that meeting, and asked that the
4 conditions that were preventing it from moving
5 forward be eliminated, and you reacted and said no.
6 This was when the citizen came in -- citizens came in
7 and said, "We're unhappy," and you said, "We need
8 more time to consider it, and please come back to us
9 with some alternatives."

10 And so, based on your direction, the staff
11 then talked to the owner, and I was involved, or we
12 were involved, some attorneys, with the owner's
13 representative, legal representative, and we
14 basically said, "We're not going to take this back to
15 the council unless there's some mitigation measures
16 that address the matters that were brought forward by
17 the citizens."

18 So that discussion was held, and then we
19 positioned -- or the applicant positioned himself to
20 come back before you. So the application and the
21 motion -- or, I mean, the application before you and
22 the proposal is to approve a substitute action. In
23 other words, if you approve this, you will approve
24 this and set aside, upon -- this set aside is upon
25 request of the applicant, so the applicant is making

1 a request for your approval, and that if it's
2 approved, the prior action will be set aside.

3 If you do not approve this proposal, then
4 the previous action remains in place, and at whatever
5 time the conditions of the previous action are met,
6 the streets will be closed, but they'll be closed
7 without the mitigation measures that have arisen out
8 of this most recent activity.

9 Now, one of the things that Mr. Cook raised
10 regarding the change in the law, it's, in fact, true
11 that since 2008 there was a change in both the
12 procedural and substantive requirements for street
13 closure, and so in this process, we've complied with
14 the recent changes in law, but that does not make the
15 prior action illegal or nonsupportable. Okay?
16 That's as simple as I can make it.

17 Now, Paul has done more research on this
18 than I have. If you get more detailed questions,
19 I'll let Paul -- I'll turn it over to Paul, but that,
20 I think, gives you the condition text. So if you --
21 if you approve this, you approve it as it's been
22 presented and the prior action will be set aside and
23 this will replace it. If you don't approve this, the
24 prior action still stands, and at whatever time the
25 conditions are met, the streets will be closed.

1 MS. SNOW: Okay. So the natural follow-up
2 for that, Lyn, is what are those conditions that
3 still would need to be met?

4 MR. FLORENCE: At that time, the --

5 MS. SNOW: Under 2008.

6 MR. FLORENCE: Yeah. The condition was
7 that they're -- that Hinckley purchase four homes on
8 Truman Avenue.

9 MS. SNOW: And which homes? Have they
10 approached those? Are they willing to sell? I mean,
11 how close are they to fulfilling those conditions?
12 Is that a reality? Otherwise they wouldn't have come
13 before us again, right?

14 MR. FLORENCE: Right. I don't know. I
15 think they're trying to reach out to the first home
16 on Truman just behind their dealership, but the
17 others I don't know.

18 MS. SNOW: Okay.

19 MR. RAPP: So they still have to acquire
20 those four homes before anything would happen?

21 MR. FLORENCE: Correct.

22 MR. RAPP: My -- I have one other question
23 concerning something that was brought up last time.
24 The vacation of these streets, are we just giving
25 them to them or are we going to give them -- charge

1 them?

2 MR. CRESWELL: Great question, and so -- so
3 Paul did most of the background on this again. If
4 I'm not -- if I'm misstating it, I'll have Paul
5 clarify it, but we looked at the state statute and we
6 looked at the -- kind of the practice statewide. In
7 almost all cases, both under the state statute and
8 practice, when a vacation occurs, there's not this
9 negotiation over -- over price or value.

10 However, as you pointed out, Salt Lake
11 City, in a commercial district, does that. So we ask
12 ourselves, "Is it legally prohibited?" and it doesn't
13 appear that it is. However, we would like to bring
14 back to you, out of this context, that kind of policy
15 discussion.

16 But regarding this thing, I guess there's
17 two things that we had in mind. Number one, this was
18 already approved and this application was accepted on
19 a condition that there not be a negotiated price, and
20 so we think, as attorneys, it's difficult to walk it
21 backward.

22 Now, if you tell us, "We're not going to
23 accept it unless we get money," then that's your
24 reason for not approving it.

25 The other thing that I would say is if we

1 walk into the exchange of value or receipt of
2 compensation issue, one of the things you would
3 probably want to do is assign some value to this new
4 mitigation, so they are going to be coming in and
5 mitigating neighborhood impacts and that's going to
6 cost some money. Would -- and this is a question,
7 not an assumption. Would the value of that new
8 mitigation as an in-kind benefit to the city be
9 equivalent to or near what the value of the street
10 would be? So, I mean, that's hypothetical, and if we
11 moved in that direction, that may be one of the
12 things that we want to consider at a future date.

13 So I guess what I'm saying is we're not
14 recommending that we open that, and we think there's
15 some limitations on that, but we would like to bring
16 it back to you as a policy initiative for future
17 vacations, but -- okay.

18 MS. SNOW: Okay. All right. Mike, did you
19 want to present before we have further discussion?

20 MR. FLORENCE: Yes. So this evening we
21 wanted to respond to a number of items that we heard
22 last meeting and on May 14th when the reconsideration
23 was before you. I just listed those things briefly.
24 Pedestrian access to State Street. There's a
25 well-used bus stop there on State Street. Vehicle

1 access to State Street and I-80, maintenance issues
2 on 2nd East, increase in traffic on Wentworth Avenue,
3 and then emergency response and delivery of services.

4 So this evening I just want to go through
5 real quick how the dealership is proposing to
6 mitigate some of these items. Dennis can talk about
7 traffic, and we've invited Chief Morris and Chief
8 Carruth to come up and talk about emergency response.

9 So real quick, the delivery truck and
10 staging, idling, parking on 2nd East and Truman, that
11 has been an issue for years. Maybe even decades.
12 This site plan tries to mitigate that through having
13 all of the delivery trucks and parts trucks come in
14 off of State Street, so basically -- you can see the
15 route here on the map. They will come in off State,
16 go to the middle of the dealership, drop the cars
17 off, and come back out again on State Street.

18 The vehicle trucks would come in off State
19 and then back up to the parts area. Now, they have
20 measured the length of a semi and they are saying
21 that it would fit on their property when it backs up
22 to the loading dock, so the truck would be able to
23 make that turn, and then when it was parked, it would
24 be on their property.

25 Now, they would have to open up the crash

1 gate, you know, for that to happen, you know, and
2 they're expecting that that would be just a few times
3 a week that they would have to do that to drop off
4 parts.

5 The second item -- and I just alluded to
6 this -- was that, you know, there will be a fence on
7 their -- on their eastern edge of their property, so
8 vehicles -- trucks will not be able to access off of
9 Truman Avenue. They will have to come off of State
10 Street.

11 Let's see. The gate for -- on Truman will
12 not be open for test drives, so when someone wants to
13 drive a car, they will have to go out to State
14 Street.

15 The pedestrian walkway. This was a big
16 item in May, so they are proposing to install, in
17 this landscape buffer between the dealership and the
18 residential to the east, they're proposing to
19 landscape a buffer with a sidewalk that will link
20 Truman Avenue to State -- Truman Avenue to Burton,
21 and then the sidewalk will lead out to State Street
22 through their dealership. They said that there will
23 be a gate. It will be able to be opened. It will
24 be -- you know, a pedestrian gate. Then they can
25 walk right through the dealership out to State

1 Street.

2 The vacant lot on Burton Avenue, there has
3 been issues in the past with employees working there.
4 The dealership has committed to the city that this
5 area will be beautified, that they will do some type
6 of landscaping to prevent people from -- or employees
7 from parking there. If the dealership were ever to
8 want to use -- you know, they're the owner of that
9 property. It's not included in this phase, but if
10 they were ever to want to use that property for their
11 dealership, they would have to come to the council
12 for a zone change, and we'll go through sending out
13 public notices again for any type of hearing. That
14 will go to the planning commission and city council.

15 And then the traffic study was completed,
16 and Dennis will be able to discuss that.

17 So do you have any questions for me?

18 MS. SNOW: Sharla?

19 MS. BEVERLY: I just wanted to follow up
20 with the notification to the citizens.

21 MR. FLORENCE: Uh-huh.

22 MS. BEVERLY: So the attorney handed those
23 to you, and can you just tell us what the process was
24 and how the citizens were notified?

25 MR. FLORENCE: So what we do is we send

1 notices out within a 300-foot radius. So, as I
2 looked on the public notices this evening, they were
3 sent down to 2nd -- 200 East. Where -- so the end
4 of -- where Truman Avenue and 2nd East intersect,
5 that was about the radius into the -- the easternmost
6 radius where they sent those notices. So what they
7 do -- we require them -- the applicant to go over to
8 the county recorder's office. They -- the county --
9 they -- the county recorder's office asks them what
10 the radius is they want to send out notices, and they
11 print off those mailing labels for them.

12 MS. BEVERLY: Gotcha.

13 MR. FLORENCE: So then they turn those in
14 with their application and then we send them out.

15 MS. BEVERLY: Okay.

16 MS. SNOW: Okay.

17 MR. FLORENCE: So we'll invite Dennis up to
18 discuss traffic, and then Chief Morris and then Chief
19 Carruth, so...

20 MS. SNOW: Okay. Great. Full court press
21 tonight.

22 MR. RUTTER: Excuse me, Council?

23 MS. SNOW: What? I said it's a full court
24 press, meaning we're putting forward all of our
25 people. What -- what -- you've got a question about

1 that?

2 MR. RUTTER: It's your opinion.

3 MS. SNOW: I'm saying we're putting forward
4 all of our people.

5 MR. RUTTER: I heard it.

6 MS. SNOW: Good. And I'd say it again. Go
7 ahead.

8 MR. PAY: Thank you. My name is Dennis
9 Pay. I'm the public works director and city engineer
10 for the city, and I just wanted to make a few
11 comments on the traffic study and the traffic
12 situation there. I guess the results of the study.

13 There seem to be, I guess, a lot of
14 questions, a lot of concerns, and perhaps even some
15 misconceptions about the traffic analysis and what it
16 is and what it's not, and so I was hoping to clarify
17 that and answer -- you know, respond to any questions
18 that you may have.

19 I'm not going to go into the details of the
20 study. I think Mike handled that well. I may touch
21 on a couple of points that I think were
22 misunderstood.

23 You know, the first thing is, the traffic
24 study does not make a recommendation on whether or
25 not this is a good thing. A traffic study is nothing

1 more than an analysis to try and present a reasonable
2 expectation of what could happen with traffic if the
3 two roads were closed.

4 The traffic study considers two items. It
5 considers traffic volume and delay. Volume is
6 measured in ADT. That's -- I apologize -- I'm an
7 engineer -- if I throw stuff out. I like numbers and
8 weird stuff, so -- I'll try and be as normal as I can
9 for this.

10 Anyways, ADT is average daily traffic. So
11 what is that? That's the average amount of traffic
12 you'd expect to travel down that roadway in a 24-hour
13 period. That's one measure of volume.

14 Another is the peak hour traffic. What
15 that is -- you heard that term tossed around. That
16 is, you know, the hour in the day where you would
17 expect the highest number of cars to travel through
18 that area in one hour. We usually talk about an a.m.
19 peak and a p.m. peak. The a.m. typically happens
20 sometime between 7:00 and 9:00 a.m., the p.m.
21 sometime between 4:00 and 6:00.

22 I'm going to jump to delay. Delay, again,
23 is measured on a scale from A to F. We call that
24 level of service. Now, I think Mike made the comment
25 last week, you know, we give it an A, B, kind of like

1 you do in school. Where that may differ is A through
2 D is considered acceptable. I don't know how things
3 are in your house. If my kid comes home with a D,
4 I'm not very happy about it.

5 However, in a traffic analysis, what that
6 indicates is that there is delay, but it is
7 tolerable. "A" would be like a free throw --
8 sorry -- free flow -- there's a big basketball game
9 tonight. My mind may be on that. Anyway, free flow
10 of traffic or less than ten seconds of delay. D, as
11 I said, is tolerable. That would be somewhere in the
12 neighborhood of 25 to 35 seconds of delay as you go
13 through that area.

14 Now, also, when we analyze the
15 intersections or when the analysis analyze the
16 intersections, they're talking about a delay per
17 vehicle as it moves through there, so, you know, a
18 lot of people may say, "Oh, it's only" -- you know,
19 "I don't like what I'm hearing. It's only going to
20 be 25 seconds of delay." That's not necessarily
21 true. So during your peak hour, it would be 25
22 seconds per vehicle, so it could be -- could be more.

23 Anyway, after reviewing the analysis, my
24 opinion is this. This traffic study was -- it was
25 conducted in a manner -- you stay to the practice,

1 engineering principles, engineering methods to
2 prepare that analysis. I think that the assumptions
3 that were made were fair and were accurate. Again, I
4 think they reflect traffic patterns that were
5 observed during the analysis, as well as engineering
6 judgment.

7 To speak to some specifics, the -- there
8 was a comment or a concern expressed about, you know,
9 are we considering how much traffic that will put on
10 200 East and Wentworth and what kind of congestion
11 that will cause. And yes, as the analysis looked at
12 closing those streets, there were assumptions made
13 about redistribution of traffic, where those cars
14 would go, and that was considered, you know, what
15 will happen at the intersection of 200 East and
16 Wentworth, as well as at State Street and Wentworth.
17 So those were considered.

18 Also, when you talk about -- I guess there
19 was some -- a concern expressed by a gentleman -- and
20 I appreciate that he went out and did his own
21 analysis, but he was concerned about the number of
22 traffic -- the amount of traffic that would travel
23 through the area in one month. Again, when we
24 were -- last week, when Mike talked about the ADT
25 increasing to, I think, 2,300 vehicles, that was not

1 per month. That was -- ADT, that's daily, okay? So,
2 you know, you do the math. That's up in the
3 neighborhood of 25, 26 thousand vehicles going
4 through in a month, so, again, I think that the
5 assumptions made were reasonable and they were
6 conservative and they were fair and reflect what's
7 happening out there.

8 In my opinion, I think there are two big
9 takeaways from this traffic study, two things that I
10 think that should jump out at everyone. First of
11 all, the delay or level of -- or the level of service
12 from shutting down those two roads is minimal. It
13 only increases travel time through there or delay a
14 few seconds. Part of that is because we have a good
15 grid system. It can handle that amount of traffic.
16 There is some excess capacity on those streets.

17 The second takeaway is that traffic volumes
18 on 200 East and Wentworth increase significantly.
19 When you shut those two roads down, you put a lot of
20 traffic on those roads and it's a significant change,
21 and, again, I think that they're -- you know, that --
22 the study makes that very clear.

23 Some of the things that I think that aren't
24 considered but that we might want to consider, moving
25 forward, there are things that could be done, traffic

1 calming measures, other mitigation measures that
2 could be installed that would encourage vehicles to
3 use other routes. Signage is not necessarily good.
4 Most people will -- you know, they'll ignore a sign.
5 But traffic islands, partial closures, I mean, we
6 haven't even touched on that, but there are things
7 that could be looked at to try and discourage people
8 from using Wentworth.

9 Now, I don't think that's going to
10 eliminate all the additional traffic, but it could
11 remove some.

12 Another thing I think that came up last
13 week was that, you know, there were potholes and
14 other maintenance issues on 200 East and those would
15 only get worse. I think absolutely. You put more
16 cars on there, we're going to have to change our
17 maintenance practices. You know, public works will
18 have to -- our streets division will have to make
19 some changes, get out there and maintain those
20 streets and make sure that they are suitable for the
21 additional traffic that's out there, as well as, you
22 know, plowing, you know, everything. And we won't
23 forget about you. We're going to go down -- we'll
24 still plow your street, even when it's closed.
25 That's one of the provisions we've talked about in

1 the area that's -- where we have a cul-de-sac, is we
2 need to make sure that the radius on that is large
3 enough not only that we can get fire apparatus down
4 there but that we can get our plows down and be able
5 to make that turn and clear those roads.

6 So that's my opinion on the traffic study
7 and what I read and what I gathered from it. If you
8 have specific questions, I'd be happy to try and
9 entertain those and answer those the best I can.

10 MS. SNOW: Any questions from the council?
11 Kevin, go ahead.

12 MR. RAPP: Okay. So you said that the two
13 takeaway things was is it was only going to take a
14 few seconds more to go down Wentworth, and yet you
15 said Wentworth was going to be a major thoroughfare.
16 Now, you can't tell me that during peak traffic hours
17 during rush hour that Wentworth is not going to be a
18 parking lot. It's going to be -- it's going to be
19 loaded with people trying to turn left onto State to
20 get onto the freeway, and it's going to be backed up
21 till 2nd East.

22 MR. PAY: I said there would be -- I said
23 there would be delay. That's per vehicle, mind you,
24 when I say --

25 MR. RAPP: Oh, yeah. That's going to take

1 a lot more than a second.

2 MR. PAY: Yeah. There will be -- there
3 will be more traffic. There will be more congestion,
4 absolutely. When I said "a few seconds," again,
5 remember, the level of service we report per vehicle,
6 so a few more seconds per vehicle.

7 MR. RAPP: Okay. I just don't --

8 MR. PAY: No, no. I'm glad you're on your
9 toes. Keep me honest. I'm doing my best to present
10 the data and information.

11 MR. RAPP: Thanks.

12 MS. SNOW: Does anyone else have questions
13 on the traffic study? Okay.

14 MR. RUTTER: I do.

15 MS. SNOW: Mike.

16 MR. RUTTER: Speed bumps, does that come
17 into play immediately to slow the traffic down? Even
18 though there's more traffic, for safety purposes, can
19 we put speed bumps down there that will slow the cars
20 down?

21 MR. PAY: Well, let me tell you my opinion
22 of speed humps or speed bumps. They are kind of a
23 last resort. When all else has failed, you want to
24 put those out. There are a lot of negative impacts
25 of speed bumps that, you know, people don't consider.

1 They are extremely effective. They slow traffic.
2 And I'm not going to lie to you. They work. But
3 they also can cause additional wear and tear on
4 vehicles.

5 There's been some research that I've read
6 that says they actually can have an adverse effect on
7 air quality, you know, because as you slow and
8 accelerate, you can potential cause, you know, injury
9 as people go over those every day, and in areas where
10 those have been put out, especially in residential
11 neighborhoods, residents tend to not like them over
12 time, just for a lot of reasons.

13 Now, you know, if the residents decided,
14 "This is what we want. This is what we like," I
15 mean, we can put them in.

16 They also create a lot of issues with our
17 snowplows and they cause damage on the blades as they
18 go over the bumps.

19 MS. SNOW: Okay. If we have no further
20 questions on that, we can have our other
21 representatives come forward.

22 MR. MORRIS: Thank you, Council. I'll try
23 and make my remarks as brief as possible. There were
24 several comments made last week and a few tonight
25 about fire and EMS response to the area with the

1 closed roads. Chief Carruth is going to talk about
2 police response. Mine will be directed strictly
3 towards fire and EMT.

4 Last week I went out and did some run
5 studies, if you will, to the affected areas, and I
6 tried -- as you know, this area is in Station 41's
7 grid, which is 2600 and South Main. I went out and
8 ran that several times last week, and what I found
9 was a little surprising to me. It looks as though,
10 especially during certain times of the day, we are
11 better served staying away from State Street and
12 going up 2700 South to 3rd East and dropping in off
13 the top.

14 The big misnomer here is the I-80 and State
15 Street interchange. As I drove that, on the few
16 times I hit it where the lights were green, I made
17 really good time getting into Burton and Truman, but
18 on the times when those lights are red, and
19 especially during rush hour, that was gridlock, and
20 to get an apparatus through there is going to take a
21 significant amount of time?

22 As I talked with the guys at the station,
23 they mentioned, "Oh, yeah, during rush hour, we
24 don't" -- "we do all we can to avoid the area."

25 So as I ran the numbers and looked at the

1 numbers, there's a very strong case to be made for --
2 the response times were actually a little quicker
3 coming in the back side off of 3rd East and it will
4 be something we'll be looking at in the future in
5 some other areas.

6 I guess, bottom line, with the streets
7 closed, it's 20 to 30 seconds difference either
8 quicker or 20 to 30 slower, depending on the lights
9 and the traffic. Now, again, this was me driving in
10 my vehicle, obeying the traffic laws. I think Lyn
11 would go for me having the fire apparatus drive
12 around the city with lights and siren on for half the
13 day doing this, but --

14 This is a relatively short response for us.
15 I mean, we're generally on top of this area before we
16 get all our details from the dispatch center, so --
17 it's hard to do a real legitimate study, because it
18 is so short, but in my professional opinion, which is
19 what you hire me for -- and I take our access and our
20 response times incredibly seriously -- closing those
21 two streets, as far as fire and EMS response, will be
22 very, very minimal. We can get into the back side
23 off of 3rd East just about as quick, if not quicker,
24 than we can off of State Street, depending on the
25 I-80/State Street interchange.

1 Some would say why don't we go south out of
2 Station 41 and cut across State Street. History
3 tells us, and across the nation, when we try and
4 cross large areas of traffic like that, lights on or
5 lights off, we become a moving target. People seem
6 to want to run into us all the time. So we try and
7 avoid that at every opportunity we can.

8 The other problem we have at I-80 and the
9 State Street interchange is many times we're forced
10 to go across the median into oncoming traffic. It
11 causes a couple of problems. It's very difficult on
12 the apparatus going across the islands. Mont can
13 tell you the wear and tear on those when we do that
14 is not good.

15 The other problem is, is when you're going
16 across that traffic, especially going northbound, and
17 you've got people exiting off of the freeway, they're
18 still used to going pretty quick, and they come
19 around the turn and they're facing a large piece of
20 apparatus. That's a bad scenario for us and for the
21 city.

22 I'm glad the gentleman mentioned earlier
23 that average response time nationally for ambulances
24 is eight minutes. As you recall, when we talked
25 about getting in the ambulance business, that was one

1 of the reasons that you all looked into getting in
2 the ambulance business, is because of the response
3 times we were waiting for the provider at that time.
4 Our current average ambulance response time to
5 anywhere in our city is a little under four minutes
6 right now.

7 And it's hard to say, you know, what's a
8 busy time in the city. We've talked about this
9 before. Statistically, our busiest time in the city
10 right now is Thursday morning at eight o'clock. You
11 might think it would be Saturday at midnight, one, or
12 two, but we are busier Thursday morning at eight
13 o'clock than we are anytime of the week, so --

14 The other thing that's been mentioned is
15 the turnaround there. Dennis pretty well covered
16 that. We can turn an engine around in that
17 turnaround. Anything Dennis can turn a snowplow
18 around in, we can get one of the engines turned
19 around in.

20 The ladder truck will be difficult, but we
21 will have access to all of the gates. We'll require
22 KNOX-BOXES on those so that we have 24/7 access, if
23 by chance we need to get a piece of apparatus out. I
24 don't ever see us responding through the dealership
25 to a call. That just doesn't make any sense to me at

1 all.

2 So, with that said, I'd be happy to answer
3 any questions.

4 MS. SNOW: I see -- do we have any? I see
5 no questions --

6 MR. MORRIS: Thank you.

7 MS. SNOW: -- from the council. Thank you.

8 MR. CARRUTH: Good evening, Council. In
9 respect to response time, I'll answer that question
10 and be brief. Average response time for police is
11 three minutes. Priority calls, a minute and a half
12 to one minute. I don't see any change -- significant
13 change in response. We're not responding from a
14 stationary area. We are constantly on patrol. That
15 study that was done on response time encapsulated the
16 entire city. In our current law enforcement
17 staffing, that has not changed, so there would be no
18 difference in response times.

19 What I did put together was information,
20 hopefully to bring a positive to this for the
21 citizens. Looking at that area and the proposed
22 closure and what the crime rate is or currently is
23 and what it could potentially be, I looked at
24 geographical areas and looked at an area that --
25 looked for an area in the city that would be similar

1 with egress and ingress, and that would be the
2 Millcreek area behind the old Granite High School.

3 It's a similar density in population. It's
4 not, by any means, comprehensive. This is just a
5 quick snapshot. It's not an in-depth study but just
6 a quick view of what it potentially could bring.

7 Looking at this area, with the proposed
8 closures, you would look at closing Truman and
9 Burton, allowing access in from Wentworth and access
10 from 300 East, which is similar to the Millcreek area
11 where you have two points of access off of 700 East
12 and one from 500 East.

13 So the numbers that I've pulled only go
14 from 2400 South to Wentworth, State Street to 300
15 East, and on that graph you'll see a similar size,
16 geographical size in the area at Millcreek.

17 What I found, that over a five-year period,
18 responding to the area -- sorry. Responding to the
19 area behind Granite High School, the Millcreek area,
20 in a five-year period, we had 180 calls for service.
21 The Truman and Burton area, what I found over a
22 five-year period was a total of -- the second paper
23 809 calls for service, so, looking at this from a law
24 enforcement perspective, what that means is any area
25 that gives opportunity, you're going to see increased

1 crime or calls for service, and with that many points
2 of access, ingress and egress, that contributes to
3 that.

4 When you close that down and you basically
5 entrap that area, it doesn't provide that opportunity
6 as much, and that inherently reduces the crime, for a
7 number of reasons. The residents in that area now
8 become more vigilant to what's normal versus there's
9 so much traffic they don't know what's normal. I
10 mean, cars going up and down the roads all day long.
11 They're just paying attention to cars.

12 When you close that area and it becomes
13 more enclosed, they become more familiar with that
14 activity in the area and that lessens the crime --
15 the opportunity for crime. Criminals don't like to
16 be caught. They look at the potential of getting
17 away, and if it's not beneficial to them, they stay
18 out of that area.

19 So there are some benefits with it. I just
20 wanted to highlight that and bring some positive so,
21 no matter what the decision is, maybe the citizens
22 could see some benefit to that.

23 MS. SNOW: Does anyone have any questions
24 for Chief Carruth? All right. Thank you.

25 MR. CARRUTH: Thank you.

1 MS. SNOW: I think that's all for the
2 presentation at this point, so we're going to open up
3 to council discussion. Does anyone have any thoughts
4 they'd like to start out with? Go ahead, Kevin.

5 MR. RAPP: Well, as I stated before, I'm
6 still against this. First of all, as I said before,
7 it's against the master plan, and we're supposed to
8 be preserving neighborhoods east of State Street, and
9 I don't feel that we're doing that.

10 Wentworth, I think, is going to turn into a
11 major parking lot when people are trying to turn onto
12 State Street, especially during rush hour traffic,
13 and Wentworth is going to -- it's just going to -- it
14 will either be a parking lot or a freeway.

15 It was mentioned last week that the truck
16 traffic on Burton and Truman was part of the problem
17 and this helps mitigate it. Well, the city could
18 have mitigated that a long time ago if they would
19 have just put up signs that said "No Truck Traffic,"
20 so that would have been a real easy fix.

21 So this doesn't really fix anything, in my
22 mind, when it comes to truck traffic, because you
23 could just put up signs that say "No Truck Traffic"
24 and enforce it.

25 We have now seen the citizens comment in

1 three different meetings, and back in -- six years
2 ago, there was also negative comments that none of
3 them wanted this, and, in my mind, that cements it.
4 They don't want it. And I agree with them. I agree
5 that this is nothing more than a -- basically,
6 they're trapped in this little spot.

7 And I've driven -- actually, right after
8 the meeting last week, I drove through there, and
9 going over those dips and then having to go through
10 the TRAX line, it's a heck of a lot more time than
11 just a few seconds to drive from Burton Avenue to --
12 down to Wentworth.

13 I think, also, this saying that there was
14 no sunset on the 2008 thing, that's a very strange
15 thing. I'm not a lawyer, but I think it's going to
16 open this up for a lawsuit, and --

17 MR. CRESWELL: There was no sunset. It may
18 have been unusual, but the reality is, there's no
19 sunset, so --

20 MR. RAPP: So -- well, okay. You know, in
21 the new -- in the new code where it says "The city
22 council determined that neither the public interest
23 nor any person will be materially injured by the
24 vacation," I just don't see how that's not -- that's
25 not going to happen. House prices will fall behind

1 these -- on these two streets, because you can't just
2 get in and out of them, and it's going to take people
3 a lot longer and a lot more gas to get over to
4 Wentworth to get to State Street. I'm sorry. I'm
5 totally against this.

6 MS. SNOW: Roy is next.

7 MR. TURNER: I'd like to make three
8 comments. Kevin, I'm going to take issue with what
9 you just said. Back eight years ago, I walked all
10 those streets and talked -- knocked on every door and
11 talked to everybody that was home. I spent three
12 different Saturdays doing it. And what's happened
13 now, if it's really -- if it is what's happened, I
14 can tell you it was overwhelmingly in favor of it
15 then. I personally knocked on those doors. So the
16 residents were not against it then. Has something
17 changed?

18 MR. TURNER: I don't know. Now, I'd like
19 to also make a comment. Several of the individuals
20 last week made the statement, "What's in it for us?"
21 Well, there is something in it for you. The Dodge
22 dealership provides about \$280,000 a year in sales
23 tax money to the city. Now, if that goes away -- you
24 made the comment last week that we could easily
25 replace that, but I think history has indicated that

1 we've struggled and struggled over several years to
2 try and develop that property to the west, and it
3 will eventually get replaced, but it's going to take
4 a while. Can we stand to have that \$280,000 go away?

5 Yeah. If it goes away, one of two things
6 will have to happen. We'll either cut services to
7 make up for it or we'll increase taxes. I, for one,
8 don't want to increase taxes and don't want to cut
9 services.

10 Now, I can't prove what I'm going to say
11 next, but it seems very, very reasonable based on
12 personal experience and history. When Central Pointe
13 gets developed, I think that's going to put a --
14 place a real boost in the area, a theater, a nice
15 grocery store, other amenities there. I don't think
16 we're going to see a decrease in property values.
17 Matter of fact, I would actually expect just the
18 opposite.

19 So I think there's some other things that
20 we need to consider, and so I just wanted to make
21 those statements.

22 MS. SNOW: Okay. Any other comments? Was
23 that a --

24 MR. GOLD: I'll make a short comment.
25 This -- this petition that was brought to us by Salt

1 Lake Valley Dodge, as we've heard, the prior vacation
2 was passed by a previous council. When it was
3 represented by the -- well, it was passed -- Hinckley
4 Dodge is the one who petitioned that initially.

5 This new -- we turned it down in May when
6 they brought it back because it didn't -- there's too
7 many concerns from the citizens about what it would
8 look like, you know, pedestrian walkway and other
9 things. Those issues were brought back to us lately
10 by Salt Lake Valley Dodge with a new plan, which, in
11 my opinion, functions. It answered everybody's
12 concerns that they brought up.

13 I took note of those concerns and we made
14 sure that they were addressed in this new
15 configuration. I know the people that live on
16 Truman, a lot of them, and they're real tired of
17 their current situation.

18 We've heard from valued people of the city
19 that the council takes note of their expertise and
20 their training and their education. We're not all
21 civil engineers, we're not all attorneys, we're not
22 all developers, but we take their information and we
23 compile it, and we also weigh it with the information
24 that the public has, and I see that there is a lot
25 more good than bad that can happen with this -- with

1 this petition, and it -- it's really weighed on me a
2 lot, because this is my -- this is my neighborhood,
3 and if this goes through, this will be an
4 inconvenience for a while until you -- until people
5 get used to a different route.

6 Those in the apartments, new people that
7 move in won't know any better, so it won't be an
8 inconvenience. You'll get a whole different point of
9 view from people that move into the city. People
10 that have lived here a long time, yes, it will be
11 different, but I don't believe it's a life-altering
12 event that this is going to present. I think the
13 pluses outweigh the negatives, though the negatives
14 are very vocal, and I do appreciate that. And, like
15 all the studies say, the traffic is only going to get
16 worse. We're going to get other developments to the
17 west, and if Salt Lake Valley moves, what's going
18 to -- what's going to replace it? I don't know. You
19 know, three used car lots? I don't know.

20 Right now we have a very viable, very
21 profitable and -- a company that will enhance our
22 curb appeal when people enter our city and -- so
23 those -- those are my comments.

24 MS. SNOW: Thanks, Ryan. I'm going to make
25 some remarks as well on this topic. I indicated to

1 the citizen that spoke, and a couple of them brought
2 up the concern, and I wanted to address the question
3 of, "Well, was this already approved?" I want people
4 to know that I actually share their frustration with
5 that being represented tonight for the first time and
6 it was not represented last week that, "Okay. This
7 was already passed in 2008. Thanks for coming, but,
8 really, one way or another, this is happening in one
9 form or another." That was not represented to me
10 last week. I was unaware of that. I bet if we took
11 a poll of this council, that was not the
12 understanding.

13 When this came forward as a new petition,
14 that was not clearly stated, that that didn't,
15 therefore, negate the former. And so I do feel bad
16 for the hundreds of people represented, you know, in
17 the council a week ago that attended, and also
18 signatures, and I've received approximately 15
19 e-mails in my inbox just over the last week.

20 I -- I think that's unfortunate, to send
21 that message now. And I'm disappointed with it. I
22 don't -- I don't think it's necessarily accurate,
23 either. I don't know that they're going to fill the
24 conditions and buy up those four houses. That's
25 highly dependent on whether those people are willing

1 to sell. So I don't think that it really is -- you
2 know, one way or another this is happening, and I
3 feel a little bit sandbagged by that announcement as
4 well, as I'm sure you all do.

5 I also think we're applying the wrong
6 standard here by saying, "Well, we're outweighing the
7 good and the bad of this proposal and there is some
8 good and there is some bad." I think the actual
9 legal standard speaks to me that we have to find that
10 like no person will be materially injured by the
11 vacation. Not one person -- it says "Neither the
12 public interest nor any person will be materially
13 injured by the vacation."

14 So even if, in our judgment, we deem it to
15 be a benefit to those neighborhoods for Burton and
16 Truman, there's no question in my mind that it's a
17 detriment to Wentworth. There are winners and there
18 are losers. So even if it improves one neighborhood,
19 if it -- as our traffic study indicated, traffic
20 volumes on 200 East and Wentworth increase
21 significantly and those people living there are
22 significantly injured because they -- your
23 neighborhoods, your streets, then we haven't
24 fulfilled the two-prong test.

25 It's not just weighing good and bad, some

1 win, some lose. It's -- you -- those people have
2 been materially injured. If one person loses some
3 rent money because they can't fill their apartment as
4 quickly or their rental home as quickly because some
5 of the attractiveness of those locations are the easy
6 access to State Street and I-80, then that person has
7 been materially injured and we don't fulfill the
8 two-prong test. It's not just weighing good and bad
9 and saying, "Well, we think there's more good than
10 bad." That's not the test. And I don't -- I don't
11 see how I could, in good conscience, vote in favor of
12 the ordinance that states that we made that finding.

13 Can anyone say that not one person is
14 materially injured in this scenario, even if you
15 think some people are improved? I just disagree. If
16 one person says, you know, their quality of life by
17 living in a dead-end neighborhood, their house that's
18 right there, now they stare at a wall or whatever,
19 instead of being accessed through, that person living
20 on that dead-end street feels negatively impacted,
21 then we haven't fulfilled the two-prong test in the
22 legal standard.

23 That's all I have for now.

24 MR. GOLD: I have a comment, since you --

25 MS. SNOW: Go ahead.

1 MR. GOLD: -- commented on my comment. I
2 feel I need to rebut. How else do you make a
3 decision? How do we make decisions? We weigh the
4 pros and the cons. If this does not happen, what are
5 the pros? Have you asked people on Truman? Have you
6 asked -- have you looked at what's going to happen?

7 We just got a report from the -- our chief
8 of police. Crime will still be high. It's -- the
9 travel time, like I said, is not life altering. This
10 is not -- and it is -- you can call it a "dead end."
11 I call it a "cul-de-sac." It gives it more beauty.
12 A dead end makes it sound like it's a dark alley.
13 This is not a dark alley.

14 What is a cul-de-sac? It is a dead end.
15 You go to any -- you go to any high-class
16 neighborhood and people pay top dollar to live in
17 those neighborhoods.

18 (Laughter.)

19 MR. JONES: You've had your opportunity to
20 talk and make comments. Now it's time to be quiet
21 and listen to him, or we'll have you removed.

22 MR. GOLD: I don't appreciate that at all.

23 MR. JONES: Is that clear? If you want to
24 make a disturbance, we've got three officers there.
25 We're not going to tolerate this like we did last

1 week. Go ahead, Council.

2 MR. GOLD: You do have to weigh the pros
3 and cons with any decision, any decision you make,
4 even how you go to work, even how you go shopping,
5 which I -- do I want to get milk first or do I want
6 to get meat first? You make decisions, pros and
7 cons, every day.

8 This one -- yes, we are all voted in by the
9 people to run the city to make decisions that will be
10 beneficial as a whole, and I feel this -- this new
11 proposal is much better than the one that could
12 happen that is still on the table that could still
13 happen. I'd hate to see the old proposal come up,
14 and that's why I voted it down. This one is much
15 more functional. There will not be the impact on
16 Truman that there is.

17 We've already seen the studies. We've
18 already heard from the police and fire. There will
19 not be any reduction in service.

20 Anybody wants to rebut me again, I'll come
21 back again.

22 MS. SNOW: Well, I mean, I -- I don't want
23 to, you know, bog down too much on this. I don't
24 disagree that weighing pros and cons is a normal way
25 of making a decision. It absolutely is. I'm just

1 quoting that the legal standard is higher in this
2 case. It doesn't say "If you make a finding that the
3 pros outweigh the consequence, then you can pass it."
4 It says "If you make a finding that not one person
5 will be materially injured, then you can pass it."

6 So I just think, even though that's
7 normally a normal way to make a decision, although
8 even on that basis I don't necessarily think the pros
9 outweigh the consequence, but what I'm saying is
10 that's not even the standard that we're going by.
11 That's --

12 MR. TURNER: Debbie?

13 MS. SNOW: Go ahead, Roy.

14 MR. TURNER: We've spent a tremendous
15 amount of time discussing this, work meetings over
16 many, many months. I think we need to get on with
17 some city business; therefore, I'm going to make a
18 motion.

19 MS. SNOW: Well, I mean -- I'm sorry. I
20 haven't opened it up for a motion yet, and I don't
21 want to cut off other people if we have --

22 MR. TURNER: But there's nobody saying
23 anything, Debbie, so you can't cut me off.

24 MS. SNOW: I actually do get to --

25 MR. TURNER: I can make a motion.

1 MS. SNOW: -- call for a motion. Yes, I --

2 MR. JONES: No. You recognized him. Now,
3 after he makes a motion, then you can still leave it
4 open for discussion, but then you have to act on the
5 motion on the floor. Is that correct, Counsel?

6 MR. RUTTER: Thank you.

7 MS. SNOW: I just wanted to make sure
8 everyone got their piece made. I don't have a
9 problem with you making a motion, Roy. Go ahead.

10 MR. TURNER: I move that we approve the
11 ordinance vacating a portion of Burton and Truman
12 Avenues and an alley between Burton and Truman
13 Avenues situated in the Burton Place 2nd addition
14 subdivision of Lot 6, Block 41, ten-acre plat A, big
15 field survey, City of South Salt Lake, Salt Lake
16 County, Utah, be more particularly described in the
17 written balance of the ordinance.

18 MS. SNOW: Okay. Does anyone else have any
19 remarks before we go forward? Okay.

20 MR. JONES: I'll second it.

21 MS. SNOW: Do we have a second? Okay.
22 Motion by Roy, second by Irvin. Roll call vote,
23 beginning with Mike.

24 MR. RUTTER: Aye.

25 MR. GOLD: Aye.

1 MR. JONES: Aye.

2 MS. SNOW: Nay.

3 MR. TURNER: Aye.

4 MR. RAPP: Nay.

5 MS. BEVERLY: Aye.

6 MS. SNOW: All right. And with that, that
7 concludes our unfinished business.

8 MR. RAPP: Personal privilege. I'd like to
9 make one more comment --

10 MS. SNOW: Kevin.

11 MR. RAPP: -- to the citizens. Those who
12 don't feel represented in this, I feel for you. I've
13 been only on this council for a year, and this is why
14 I ran for it, when the council didn't listen. I
15 would like to remind, however, everybody that next
16 year is an election cycle.

17 MR. RUTTER: Oh, come on. Get off it, you
18 jerk.

19 MS. SNOW: You know what? You're out of
20 order. Get out. You don't call another council
21 member a jerk. Sergeant at arms.

22 MR. RAPP: Do you want to just show your
23 displeasure?

24 MS. SNOW: That is not --

25 MR. RAPP: That's where you can do it.

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MS. SNOW: -- polite behavior. He can go ahead with his comment. That was unprofessional. Go ahead, Kevin.

MR. RAPP: I'm done.

MS. SNOW: Okay. Do we have anything else tonight? With that, I will receive a motion for a -- to close the meeting.

MR. RAPP: I'll make that motion.

MR. TURNER: I'll second it.

MS. SNOW: We have a motion by Kevin, second by Roy. All those in favor?

MS. BEVERLY: Aye.

MR. GOLD: Aye.

MR. JONES: Aye.

MR. RAPP: Aye.

MS. SNOW: Aye.

MR. TURNER: Aye.

MS. SNOW: Motion passes.

(Meeting adjourned at 10:00 p.m.)

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STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, RENEE L. STACY, Registered Professional Reporter and Certified Realtime Reporter for the State of Utah, do hereby certify that the foregoing transcript was written stenographically by me from an electronic recording and thereafter transcribed;

That the foregoing pages contain a true and accurate transcription of the electronically recorded proceedings and was transcribed by me to the best of my ability.

IN WITNESS WHEREOF, I have subscribed my name and affixed my seal on this 7th day of January, 2015.

RENEE L. STACY, RPR, CRR
Notary Public in and for the
County of Salt Lake, State of Utah

My Commission Expires:
November 9, 2015