

MINUTES OF THE CITY COUNCIL MEETING HELD NOVEMBER 10, 2009, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS.

MEMBERS PRESENT: Mayor Kelvyn Cullimore, Councilman Don Antczak, Councilman Scott Bracken, Councilman Bruce Jones, Councilman Gordon Thomas

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, Deputy City Manager Kevin Smith, Police Chief Robby Russo, Public Information Specialist Bob Warnick, Assistant Chief Mike Watson, Sgt. Chris Gebhardt, Assistant Chief Paul Brenneman

OTHERS PRESENT: Tee Tyler, Stephanie Archibald, Terry Diehl, Mike & Shelly Hanson, Brad Gilson, Mark Garza, Debbie Tyler, Roger Kehr, Brady Long, Barbara Van Duren, Dan Kennelly, Judd Kennelly, Todd Lee, June Hanson, Jim Hanson, Joni Anderson, Mike Evans, Jed Henrie, Dorothy Henrie, Linda Bradon, Owen Thorpe, Bill Carrigan, Deb Clark, Steve Sharp, Diane Sharp, G. R. Beverley, Marilyn Beverly, June Perry, Kelle Adams, Troop 568, Greg Wayne, Robbi Lucas, Brenda Mose, John Vining, Kent Thomas, Helen Snell, W.B. Harrison, Glen Harrison, Heather Stevens, Scott Nelsen, Joyce Felt, Jon Gregory, Rick Whiting, Herbert Lloyd, Tiffany Reimann, Nadine Hatch, Sheryl Ivy, Cheryl Smith, Juli Rees, Larry Hansen, Randy Lond

**1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

- 1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those in attendance.
- 1.2 The Pledge of Allegiance was led by Spencer Page, Senior Patrol Leader, Troop 568.
- 1.3 Mayor Cullimore acknowledged Alexandra Reynaud, representing the Youth City Council.

**2.0 CITIZEN COMMENTS**

- 2.1 Tiffany Reimann, 1861 Meadow Drive, explained that the lights the City fixed on Meadow Drive are now out. She expressed concern regarding safety issues for those living on Village Road and Meadow Drive.

Deputy City Manager Kevin Smith met with a gentleman from the neighborhood who will be providing a map showing the lights that are out. He will then meet with James Knell, Salt Lake County to see what is involved in getting them working.

Mayor Cullimore said that the lights are over 50 years old and at the time they were installed the wiring was buried directly in the ground and is very fragile. The city will evaluate the problems and see if they can find a solution.

**3.0 PUBLIC INPUT ITEMS**

**3.1 Public Hearing on Amending the Uses of the FY09-10 CDBG Funding**

- 3.1.1 Deputy City Manager Kevin Smith said that the FY09-10 funds need to be spent by June 2010. The City has accomplished the design work for the Timberline Trailhead Project through the

grant funding and the remaining funds need to be spent. The City identified several projects totaling \$28,000 that would qualify including a feasibility study for forming our own public works department and a storm water utility study.

3.1.2 Mayor Cullimore opened the public hearing.

No comments were received.

3.1.3 Mayor Cullimore closed the public hearing.

3.2 **Public Comment on Highland Drive General Plan Amendment**

3.2.1 Planning Director Michael Black gave a brief background on the process that has been followed. The City has met over a dozen times with the public since August 6, 2008. The Planning Commission and staff are recommending an amendment to change the Land Use Designation of the General Plan from single family residential to residential office. Residential Office is characterized by 2500-10000 square foot buildings with a maximum footprint of 5000 square feet. The structures are to look residential with a height limit of 35 feet.

3.2.2 Mayor Cullimore opened the public comment period.

3.2.3 Dennis Van Duren indicated he was representing many people present and not present and asked for five minutes instead of three. Mayor Cullimore asked for a show of hands who agreed to have Mr. Van Duren speak for them in lieu of them speaking. Mr. Van Duren was granted the extra time and read a letter into the public record in opposition to the proposed change. (See attached letter).

3.2.4 Mike Evans, Village Road, expressed concern about traffic in the area. He explained that it is difficult to get past the pre-school area because the entire road is blocked off as children are being picked up. It is also difficult to see at night because of the oncoming traffic on 2000 East. Mr. Evans said that there is a rumor at UDOT that 2000 East will be widened.

Mayor Cullimore noted that Highland is not a UDOT road. It is a city road. He confirmed that there has been no discussion on the expansion of Highland Drive. Any expansion would be at the intersection of Fort Union and 2000 East.

3.2.5 Joyce Felt, said that her husband would like to have a small dental office in this area and he made application in April of 2008. She pointed out that the lots in this area are small and you cannot locate a large building because of the depth of the lots. She believes they would be good neighbors and would like to move forward with their plans. She expressed support for the general plan amendment.

3.2.6 Dan Kennelly, expressed frustration in how many meetings he has attended on this matter without getting a decision. He felt it was time to decide.

3.2.7 Steve Sharp, said he is one the owners of the 'blighted property' referred to in Mr. Van Duren's letter. He noted that the property has never been in grass, and never looked very different from what it does now. He would tear the house down, but cannot afford to, and has spent over \$5,000

keeping the weeds down. Mr. Sharp said the house will remain until the property is sold. He is in favor of the general plan amendment.

- 3.2.8 Rick Whiting, Greenfield Way, said that as a community there needs to be a plan for future change, because it will be inevitable. He believes the proposed plan is a reasonable transition for the high traffic area and supports the proposal.
- 3.2.9 Brady Long, real estate company owner, explained that the wrong zoning can be irreparable and believes that a compromise is a good solution to the problem. He agreed with Mr. Van Duren's compromise, and believes restrictions are needed to make the community comfortable.
- 3.2.10 Eric Felt, property owner, said that he wants to construct a building next to the existing dental office, which will be appealing to the neighborhood. He believes his proposed structure would meet the expectations of the residents.
- 3.2.11 Kelly Adams, 6710 Highland Drive, said that there have been several burglaries in the area which are a concern for the residents. She thinks that a change needs to be made and believes residential office is a great option for the residents of the area.
- 3.2.12 Sherry Beck, 6705 Village Road, is concerned about the height of the proposed buildings. Old Highland Drive is higher than Village Road and 35 feet in one area would not be the same as in other areas. She could have people looking into her backyard because of the slope.
- 3.2.13 George Waverly, Village Road, said that traffic is an issue coming onto LaCresta off of Highland Drive. He believes that if there is a zone change there should be a road change that would create a better traffic flow for residents.
- 3.2.14 Tiffany Reimann, lives in the neighborhood and knows the Felts personally. She said that the Felts deserve a chance to show their plans for a dental office.
- 3.2.15 Dan Kennelly, said that the house on corner of old Highland Drive and LaCresta violates the setback ordinance. The current house replaced a single story home and now blocks the view.
- 3.2.16 Diane Sharp, 1965 East LaCresta, said that today is the first time she has heard an issue about her property. Up to this time, the issues from the homeowners on Highland Drive have been the traffic, not individual properties being unattractive. She said that traffic for the preschool has not been an issue and the road has not, to her knowledge, been blocked. Mrs. Sharp said that if there is a change she wants the buildings to be attractive and to blend in with the existing buildings. Each person that files an application for a business should be considered on its own merits and should comply with the ordinances.
- 3.2.17 Joan Anderson, 6671 Village Road, said that the Sharps do not live in Cottonwood Heights year round and may be trying to raise the value of the property. She said that the traffic for the preschool blocks the road completely and the neighbors have to use LaCresta.
- 3.2.18 Danette Kennelly, commented that the issue of not being able to sell homes in the area is not accurate. Several houses in the area have sold this summer. She said that when someone buys a house which is zoned residential on speculation, they are not guaranteed that the land use will ever be changed to a commercial use. She asked that the Council make no change to this area.

- 3.2.19 Heather Stevens, LaCresta, suggested the City put up a brick sound barrier wall and landscape, and leave the homes where they are. Ms. Stevens said the people that purchased the home for a dentist office, purchased it as a home and they could enhance the look of it. She believes that the majority do not want a land use change.
- 3.2.20 Mayor Cullimore closed the public comment period.
- 3.2.21 Alexandra Reynauld, Youth City Council, lives at 6670 South and commented that after hearing the opinions of the people that live in the neighborhood, she agrees the land use should not be changed. She explained that more and more businesses are surrounding that entire area and the neighborhood should be left as is because people have lived there for many years.
- 3.2.22 Councilman Thomas said that the Council has tried to bring residents in and felt that more progress was being made than appears.
- 3.2.23 Mayor Cullimore explained that the property will remain residentially zoned property and could still be residentially redeveloped even if the General Plan Amendment is approved. The Council understands the concerns that come with change and what issues the change presents. Residential Office requires a residential appearance which gives some reassurance to the residents. He expressed appreciation for the input and advised them that a decision would be made at the November 24<sup>th</sup> meeting.

#### 4.0 **REPORTS/PRESENTATIONS**

##### 4.1 **Procedure and Rationale for Removing Unwarranted Stop Signs**

- 4.1.1 Brad Gilson, City Engineer, explained that since the City incorporated, Staff has noticed that there are many stop signs in neighborhoods that do not meet the Manual on Uniform Traffic Control Devices (MUTCD) guidelines established by the Federal Highway Administration. The question becomes whether to leave the stop signs or take them out; and to determine what repercussions are caused by that type of change. A policy has been developed that analyzes existing stop signs in an existing neighborhood, and determines whether it is warranted by the MUTCD or whether it would be appropriate to remove it.

The policy establishes a method whereby a stop sign can be evaluated. A local resident or an elected official can request an evaluation of an existing stop sign. The City then determines whether or not the stop sign meets the MUTCD regulations. If it meets those regulations, it is not removed. If it does not meet the regulations, the City looks at whether it is frequently violated, whether it is difficult to see, whether it is used primarily for speed control, whether stop signs are used uniformly throughout the neighborhood and finally, whether or not the use of the stop sign improves traffic safety. Once a decision is made, the City evaluates the consequence of removal of the stop sign, and what should be used in the area for traffic calming. The stop sign would then be covered with a brightly colored bag for 30 days so that people that have relied on the stop sign would see that a change is being made. After the 30 day period, a message board would then be placed in each direction for 14 days stating that the stop sign was going to be removed.

Councilman Bracken and Councilman Jones expressed support of the policy.

Deputy City Manager Kevin Smith said that this issue will be on the December 8<sup>th</sup> City Council meeting for adoption.

#### 4.2 **Monthly Public Works Report**

4.2.1 Deputy City Manager Kevin Smith reviewed the public works report for the month of October. The 6200 South/I-215 pavement project is being done at this time and it should be completed by December 15<sup>th</sup>. The 2300 East storm water project is also being done and should be completed in approximately two weeks. Mr. Smith reviewed the Big Cottonwood Canyon Trail project noting that the bridge construction will start next week and should be completed by December. The Union Park electrical work is also currently being done and modifications to the landscaping will be done in the spring. Mr. Smith will notify the businesses along Fort Union regarding this project.

4.2.2 A complete copy of the public works report is available to the public.

#### 4.3 **October Police Report**

4.3.1 Sgt. Gebhardt reviewed the police statistics for the month of October. He noted that response times for Priority 1 calls is now under five minutes, which is very important to the residents of the city. Thefts and violent crimes were down, but there was a slight increase in burglaries and stolen automobiles.

Sgt. Gebhardt reviewed the statistics by council districts. Districts 1 and 4 decreased in crime reported and Districts 2 and 3 increased a small amount. There have been 207 DUIs arrests in the city for 2009. On Halloween Cottonwood Heights accounted for ten percent of all DUI arrests in the state.

4.3.2 A complete copy of the police report is available to the public.

#### 5.0 **ACTION ITEMS**

##### 5.1 **Consideration of Resolution No. 2009-62 Amending the Use of the CDBG Funds for FY09-10**

5.1.1 **MOTION:** Councilman Antczak moved to approve Resolution No. 2009-62. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

##### 5.2 **Consideration of Resolution No. 2009-63 Approving an Interlocal Agreement with Valley Emergency Communications Center**

5.2.1 **MOTION:** Councilman Thomas moved to approve Resolution No. 2009-56. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

##### 5.3 **Consideration of Resolution No. 2009-64 Approving an Independent Contract for a Project Manager for the NetGuard Mobile Communication Van**

5.3.1 City Manager Liane Stillman said the City has an \$80,000 grant from the federal government to use to establish a mobile communication van. The proposed contract would provide a project manager for this assignment.

5.3.1 **MOTION:** Councilman Antczak moved to approve Resolution No. 2009-64. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

5.0 **CONSENT CALENDAR**

5.1 **Approval of October 27, 2009 Minutes**

5.1.1 The minutes were approved as submitted.

6.0 **ADJOURN**

6.1 Councilman Bracken moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilman Antczak and passed unanimously on a voice vote. The business meeting adjourned at 9:00 p.m.

