

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY, MAY 14, 2013, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

Members Present: Mayor Kelvyn Cullimore, Councilman Mike Shelton, Councilman Scott Bracken, Councilman Tee Tyler, Councilman Mike Peterson

Staff Present: City Manager John Park, Deputy City Manager Linda Dunlavy, City Attorney Shane Topham, Police Chief Robby Russo, Public Relations Specialist Stephanie Archibald, Public Works Director Mike Allen, Community and Economic Development Director Brian Berndt, Assistant Fire Chief Mike Watson, Police Support Specialist Sheila Jennings

Others Present: Linda Mandrell, Laurel Harris, M. Shane Richins, Donald Cobb
Approximately 70 citizens and interested parties were in attendance, but most did not sign the public attendance sheet.

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Kelvyn Cullimore called the meeting to order at 7:00 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Bracken.

2.0 CITIZEN COMMENTS

2.1 Mayor Cullimore opened the citizen comment period noting that many are in attendance to address a recently-filed application from a resident requesting exotic pet licenses for 29 boa constrictor snakes.

2.2 Tobi Paulos, Hollow Ridge subdivision resident, spoke on behalf of the Hollow Ridge community. Ms. Paulos presented a petition from residents opposed to what she perceived to be a “variance” regarding the exotic pet ordinance. Ms. Paulos stated that her research has shown that Mr. Cobb is running a business out of his Cottonwood Heights home without a business license and demanded that his operation be shut down, that all creatures be removed, and that the permits be revoked. Photographs and posts from Facebook were presented to the Council. Ms. Paulos noted that the information she submitted indicates Mr. Cobb’s intention to house 500 plus exotic animals. Photographs of Mr. Cobb washing out bins in the street and gutter with a pressure washer were also presented

2.3 Leo Paulos briefly addressed the Council stating that this is not a personal vendetta, but an entire community expressing their displeasure.

2.4 Shane Richins, Scales and Tails Utah reported that he educates children using reptiles. He shared his knowledge of exotic animals, pointing out that boa constrictors are not lethal. He stressed the importance of tolerance in communities.

2.5 Dr. Laurel Harris, owner of Wasatch Exotic Pet Care agreed with Mr. Richins’ statement. She stated that a dog poses more of a nuisance and risk to a child than one of Mr. Cobb’s snakes, and explained that it is natural to have an aversion to snakes, but being properly educated creates an appreciation for the snakes in question. She suggested that by providing for a variance or offering a hobby permit, pet owners would be more likely to be upfront about the exotic animals they keep and more proactive in seeking and providing better care

for them. She recommended that an annual inspection by a veterinarian could be required for exotic pet permit holders.

- 2.6 Dave Jensen, representing Reptile Rescue Service reported that he serves as a public educator regarding snakes and concurred with the comments made by Mr. Richins and Dr. Harris. He addressed the public's fear of reptiles and snakes, and shared his opinion as to the safety of Mr. Cobb's collection.
- 2.7 Jim Bellow, attorney, stated that the law governing exotic pets is in his opinion very strict and even under the hobby permit exception, no more than five types of animals are allowed. The implications of allowing a person to own 29 snakes would potentially allow others to obtain 29 of another type of animal. He also expressed concern regarding the 80 rats contained in the garage and utilized as food for the constrictors.
- 2.8 Debra Cobb stated that she lives at the residence in question and that the rats have been removed from the property as a sign of good faith. Ms. Cobb believes the community has been misinformed and stated that she and her son are doing all they can to make the situation workable. The snakes are their pets and asking them to get rid of or destroy them is no different than anyone else in the community being asked to get rid of a pet.
- 2.9 Cory Wall stated that he purchased his home knowing it was zoned residential and expected others in his neighborhood to abide by the laws governing the residential zone. As an attorney, he shared his concern about the legality of the issue before the Council. He conceded that boa constrictors are not lethal, but he detailed the disease and harm caused by this type of snake. It was Mr. Wall's opinion that 29 snakes are excessive and he recommended that a more suitable and properly zoned location be used.
- 2.10 Mayor Cullimore clarified a variance is not being considered tonight. He explained the city has an ordinance governing exotic pets and the concerns arise due to varying interpretations of the ordinance. He explained the debate has to do with the ambiguous language of the ordinance and how it is to be implemented. The City Council had not granted and is not considering granting a variance or special conditional permit, but they are determining whether the applicant is entitled to one or 29 exotic pet licenses under the plain language of the ordinance.
- 2.11 Thomas Cobb read a prepared statement to the City Council which stated that he received a great deal of support from the public. He said that Cottonwood Heights and Salt Lake County both approved his request for exotic animal permits. Animal Control Officers, television affiliates, newspaper reporters, photographers and neighbors all commented on the cleanliness of the home, and he offered a standing invitation for the mayor and council members to visit his home for a personal inspection. Mr. Cobb said that all rodents have been removed from the premises as a sign of good faith and believes this issue has evolved into the right of a private citizen to pursue a personal hobby conducted in accordance with the highest accepted standards under the law.

- 2.12 Linda Mandrow, Hollow Ridge resident, said that she grew up with snakes and expressed concerns about the type of snakes in question. She provided information from the American Humane Society about boa constrictor safety, and believes the excessive number of snakes is the main concern. She urged the Council to modify the ordinance and ensure the safety of children and the community.
- 2.13 Curt Roskelley shared his concern about the zoning of the residence and stating that he does not believe the zoning allows for a business like the one Mr. Cobb is operating. He wants the neighborhood to remain residential.
- 2.14 Don Cobb stated that he has worked in public safety for over 32 years and it is his opinion that as long as the snakes are properly cared for, they pose no threat. He detailed problems rattlesnakes pose to the community and asked the Council to get facts from reputable sources.
- 2.15 Rodney Hand raised a question about the authorization of 29 permits by the city.
- 2.16 Mayor Cullimore stated that the permits have been issued based on the City Attorney's advice under the language of the ordinance.
- 2.17 Connie Langton – wife of Thomas Cobb - expressed concerns about the safety of her family. She stated that they have two young children and because of the scorn they have received from the community, they do not feel safe in the neighborhood.
- 2.18 Mayor Cullimore commended Mr. Cobb on his knowledge and care of snakes. He stated that whether or not someone can safely keep and maintain 29 boa constrictors is not the issue. There are several issues, including what is considered an exotic pet and when does a hobby become a business? How many pets are appropriate in a residential neighborhood? He explained that ambiguity in the ordinance led to the decision to approve the permits. The ordinance will now be considered in light of feedback that has been received.

3.0 **REPORTS/PROCLAMATIONS/RECOGNITIONS**

Standing Monthly Reports

3.1 **April Police Report**

Public Support Specialist Sheila Jennings presented statistics for the month of April. She stated that the reporting system has changed and it will affect the way statistics are gathered. Response times for Priority 1 calls were reported to be less than five minutes. It was reported that thefts were up slightly.

Ms. Jennings said there were 89 arrests, 81 were adult arrests and 8 were juvenile arrest. Crimes were reviewed by district and it was noted that thefts were up slightly. She reported that traffic citations were down as well as DUT's and warnings. April had 36 traffic accidents reported resulting in 8 injuries, including one fatality.

A complete police report is available on the City's website.

3.2 **Public Works Report**

Public Works Director Mike Allen presented the monthly public works report. He reported that the Union Park median landscape project will commence work in mid-June and part of the contract is to provide message boards that will notify motoring traffic of construction one week prior to beginning the project. He reported that the storm drain and mapping study are making outstanding progress due to the addition of two new full-time employees.

Mr. Allen reported that asphalt had been laid on the Big Cottonwood Canyon trail, and shoulder gravel and signs will be installed within the next few days followed by fencing. There was an incident of vandalism which was immediately taken care of. The possibility of camera installation was discussed.

A complete public works report is available on the City's website.

4.0 **ACTION ITEMS**

4.1 **Consideration of Resolution No. 2013-19 Tentatively Adopting and Amended Budget for the Period of 1 July 2012 Through June 2013; Tentatively Adopting a Tentative Budget for the Period of 1 July 2013 Through June 2014; Providing for Public Inspection of Such Budgets; Establishing the Time and Place of Public Hearing to Consider Adoption of Such Budgets; and Providing for Newspaper Publications of such Public Hearings**

4.1.1 Mayor Cullimore explained that the proposed resolution tentatively adopts the amended budget for the period of July 1, 2012 through June 30, 2013 and the proposed budget for the period of July 1, 2013 through June 30, 2014. Council has been asked to review the budget and report back to Finance Director Steve Fawcett prior to June 4, 2013. The proposed resolution also allows for the public to view and inspect the budget.

4.1.2 **MOTION:** Councilman Shelton moved to approve Resolution No. 2013-19. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

4.2 **Consideration of Resolution No. 2013-20 Consenting to an Appointment to the Board of Adjustment**

4.2.1 Mayor Cullimore explained that the proposed resolution consents to the appointment of Doug Folsom to the Board of Adjustment.

4.2.2 **MOTION:** Councilman Tyler moved to approve Resolution No. 2013-20. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.

5.0 **CONSENT CALENDAR**

5.1 **Approval of Minutes for April 9, 2013 and April 23, 2013**

5.1.1 The minutes stood approved.

6.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**

- 6.1 **MOTION:** Councilman Bracken moved to adjourn and reconvene the work meeting. The motion was seconded by Councilman Shelton and passed unanimously on a roll call vote. The business meeting adjourned at 8:45 p.m.

Minutes approved: 05/28/2013