

MINUTES OF THE CITY COUNCIL MEETING HELD MARCH 8, 2005, AT 7:00 P.M. ON THE SECOND FLOOR OF DYNATRONICS CORPORATION OFFICES, LOATED AT 7030 PARK CENTRE DRIVE, COTTONWOOD HEIGHTS, UTAH

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

EXCUSED: City Manager Liane Stillman (joined the meeting at the very end)

STAFF PRESENT: Liane Stillman, Shane Topham, Kevin Smith, David Muir, Gary Harmer, Linda Dunlavy

OTHERS PRESENT: Pat Evans, Gary Young, Tracy Brown, Kit Lindsey, Mike Watson, Paul Brennamen, Dennis Wright, Edy Wright, Mark Burgess, Ty Brady, Betty Langeberg, Alan Thomas, Austin Thomas, Robby Russo, Fern Baird, Craig Sturm, Brian Allen, Catherine Garrett, Caroline Mars

1.0 Welcome

1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Bracken.

2.0 Public Comments

2.1 Caroline Mars, 3546 East Wasatch Grove Lane, stated that she lives in an R2 zone the purpose of which is "to establish low to medium density residential neighborhoods which provide persons who reside therein a comfortable, safe, and pleasant environment." She explained that because of the amount of short-term rentals, that description does not fit the R2 zone where she lives. The PUD has 107 units and 49 are not owner occupied. Of those 49, 7 are vacation homes, 10 are long term rentals, and 32 are short-term rentals with only 14 of them licensed. There have been 40 complaints and she has gathered all of the information the County has asked for and they have not acted on any of the complaints.

Councilor Antczak asked if the bylaws of the PUD mandate that rentals be long term.

Ms. Mars explained that the bylaws are ignored and the HOA has not followed through on complaints they have received.

Councilman Jones said that it is very difficult to get a HOA to act because there are so many that are financially vested. He noted that there are civil remedies but they are difficult and expensive.

Mayor Cullimore suggested that Ms. Mars express her concerns at the upcoming General Plan meetings.

- 2.2 Edy Wright, said that she has worked on Golden Hills Park since 1983, and last year they were promised a playground would be started. Yesterday she was told the playground would be started in two weeks and asked that the Council write a letter to Salt Lake County expressing support for the playground.

Councilor Antczak explained that Cottonwood Heights Recreation Center is funding 50 percent of the playground and in past years the County has not come up with its 50 percent which postponed the project. However, the contract for the playground has been approved and should start in two weeks.

The Council will write a letter to Glen Lu in support of funding.

- 2.3 Craig Sturm said he has he created a website that allows residents and business people to voice their opinions regarding City matters. In January there were 36 visits; 149 in February; and as of March 8th there were 64 visits.

3.0 **REPORTS/PRESENTATION**

3.1 **Sheriff's Office Report – Detective Burgess**

- 3.1.1 Detective Burgess explained that starting in March, the statistics will be reviewed a month in arrears in order for the City to have a complete picture of what has happened during the previous month. He invited the Mayor, Council and residents to attend the Citizens Police Academy which will be held beginning March 24th on Thursday evenings for ten weeks.
- 3.1.2 He told the Council that there was a burglary of an LDS Church on 1500 East Creek Road last Thursday. Custodial employees entered the building and interrupted the burglars in progress. They called 911 and officers were able to find two people matching the descriptions they were given, and took them into custody, although it was believed more people were involved. A call was received March 7th from Target regarding someone trying to pick up a forged prescription, the person was intercepted and taken into custody. She had stolen goods, credit cards and drugs, and stolen identity information in the vehicle. The Sheriff's Office received information that this woman was working with the two people booked for the church burglary. The identity information that was found was from deceased individuals.

3.2 Transit Shelters/Bus Benches

3.2.1 Outdoor Promotions, Inc.

Gary Young, president, Outdoor Promotions, Inc. said that his company provides transit amenities through agreements with municipalities, which are funded through a private/public partnership. Mr. Young explained that they would make the necessary improvements at the stop including the concrete work for ADA compliance, and install the shelter. Transit shelters are then maintained with weekly visits. The City's logo can be used as part of a streetscape design, and advertising is done on the interior of the shelter. It takes eight to ten weeks to install the concrete work, shelter, power, and lights. Mr. Young said this is a long term commitment because it takes years to recoup their costs. He explained that his company works with property owners prior to placing the shelters, and when a property owner does not want a shelter, UTA is supportive and many times will move the stop in order to get to a cooperative property owner. Additional information was handed out to the Mayor and Council

3.2.2 Imaginos ATM Concepts

Pat Evans, Imaginos ATM Concepts, said that the shelters they provide can be custom built to meet anything the community wants. He noted that ADA compliance laws require that sidewalks be kept open, so benches or shelters need to be strategically placed. Mr. Evans said that they stick to community standards and do not approve of any alcohol or tobacco advertising, or competing advertising. He emphasized that they are here to work with the community and if advertising is questionable he would have it reviewed by the City Attorney. Mr. Evans said that the benches are treated to make it easy to take care of graffiti. He said that he will respond to the City as quickly as possible if there are concerns, and will provide insurance so that the City has no liability. He asked the City for at least a five-year commitment.

3.3 Legislative Update, Brian Allen

Brian Allen distributed a summary of bills for the 2005 legislative session and reviewed the legislation that passed. HB 309 and HB380 passed both houses and are waiting for enrollment. HB309 changes the timing for filing budgets for newly created municipalities. HB380 allows a newly incorporated city to be automatically withdrawn from a fire district upon a resolution by the City Council. SB152 regarding business license fees requires municipalities that charge a disproportionate fee on rentals to conduct a study to determine the cost of services, and prohibits a municipality from charging a fee that exceeds a cost higher than the cost to provide services. SB107 requires that if a residential treatment program is going to open in a neighborhood they will have to notify the City before they can be licensed through the state. SB127 has a

potential negative revenue impact on the City, because it changes the way some sales taxes are charged for telecommunications providers and certain motor vehicle purchases, statewide it will have a \$1 million impact. SB25 expands the notice requirements by municipalities to UDOT and UTA on capital facilities planning. It requires municipalities to notify UDOT and UTA of proposed zoning changes, general plan changes, etc. that impact transportation and transit systems; allows for UDOT and UTA to comment on plans.

Mr. Allen said that a special session will be held April 20, 2005, and will probably include the Transportation Investment Act which would provide \$90 million in additional transportation funding to retire the Centennial Highway Fund debt.

Board positions are now becoming available on the ZAP Tax Board which the City may want to look at. Mr. Allen will email information to Mayor Cullimore.

Mayor Cullimore thanked Mr. Allen for his work. He explained that HB309 remedied a problem relating to incorporation, and HB380 allows Cottonwood Heights to disconnect from the fire district and rejoin the Unified Fire Authority as a member city. This will give the City control over the level of fire service protection that they are providing and the associated cost and will save the City \$500,000 - \$1,000,000.

Councilman Jones commended Mr. Allen, the UFA, the City's legislative representatives, and members of the County Council for their support.

3.4 **Volunteer Coordinator Report, Chad Booth**

Mayor Cullimore explained that Chad Booth reported that 20 residents have come forward to help with the April 9, 2005, open house for the new City offices.

4.0 **APPOINTMENTS**

4.1 **Resolution No. 05-27 Appointing James Adinaro as an alternate to the Board of Adjustment**

- 4.1.1 **MOTION:** Councilman Jones moved to adopt Resolution No. 05-27 appointing James Adinaro as an alternate to the Board of Adjustment. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote. Mr. Adinaro resides in District 4.

5.0 PLANNING/PUBLIC WORKS MATTERS

5.1 Selection City Engineer

5.1.1 Mayor Cullimore stated that the City received applications from 19 firms which were then narrowed to four. Those four made presentations to the Council and Gilson Engineering was recommended for approval as City Engineer.

5.1.2 **MOTION:** Councilman Antczak moved to approve Gilson Engineering as the City Engineer. The motion was seconded by Councilman Bracken and passed unanimously. A specific contract with Gilson will be drafted for approval at a future meeting.

Councilman Jones noted that a number of engineering firms have been helpful to the City during the formative stages and thanked them for the services they provided.

Mayor Cullimore pointed out that this selection does not include construction and inspection services, which will be handled at the next City Council meeting.

5.2 Resolution No. 05-28 approving a contract for Cooper Roberts Simonsen Architects as the consultant for the General Plan

5.2.1 **MOTION:** Councilman Thomas moved to approve the contract for Cooper Roberts Simonsen as the consultant for the General Plan. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

Councilman Jones encouraged the residents to attend the neighborhood meetings being held on the General Plan process.

5.3 Discussion of General Plan process

Mayor Cullimore stated that flyers regarding the neighborhood meetings have been distributed and notices published in the Valley Journal. The first meeting will be held tomorrow night, March 9th at 7:00 p.m. in the cafeteria at Cottonwood Heights Elementary.

Development Services Director Kevin Smith said that an email has been set up specifically for General Plan comments at cottonwoodgeneralplan@yahoo.com He said that these meetings will be very interactive and the residents will have the opportunity to submit ideas.

5.4 **Street Light Policy**

- 5.4.1 Mayor Cullimore explained that the City contracts with Utah Power and Light to provide street light service and the contract has not been finalized. He received a call from a resident in District 1, Brady Long, indicating that three street lights are out in his area and asking what the process is for getting them replaced. Discussion was held on the City's options regarding street lights.

Councilman Thomas was assigned to follow-up with Mr. Long and make a visual inspection of the lighting.

5.5 **Progress in resolving concerns of Old Mill residents**

- 5.5.1 Mayor Cullimore said that several meetings have been held with the various parties regarding the gravel pit and the operations of the gravel pit. The City is working with the neighbors and land owners to bring the parties together. Mayor Cullimore, Councilman Jones, and City Staff met with the Division of Air Quality and learned that the biggest concern from an environmental air quality perspective is the dust. Other particulates regulated by the Federal Clean Air Act and monitored by the Division of Air Quality do not seem to be a problem with the gravel pit operations based on measurements taken. He explained that the City will work with the businesses operating in the area to look at their fugitive dust control programs.

Councilman Jones said that it appears that for most people there would not be a health hazard associated with most of the activities at the operation of the gravel pit, however it could aggravate asthma conditions and the City will be working to mitigate the dust problem.

Mayor Cullimore said the next step is to meet with the property owner and then try to meet with representatives of all groups to begin fleshing out what issues need to be addressed and how that could be done so that everyone is part of the solution.

6.0 **OTHER MATTERS**

6.1 **Plans to disconnect from Fire District and join the Unified Fire Authority**

- 6.1.1 The legislation regarding this issue will become effective upon the Governor's signature, or letting it go into law on March 22nd. As soon as the bill becomes law, the City Council can pass a resolution disconnecting from the fire district and rejoining the UFA. The terms with the UFA need to be set up prior to passage of the resolution.

Councilman Jones suggested a ceremony for the signing of HB380 with the Governor. Brian will contact the Governor's office and Greg Curtis to schedule a signing.

6.2 Resolution No. 05-26 renumbering previous resolutions

6.2.1 Councilman Antczak moved to adopt Resolution No. 05-26 renumbering two prior resolutions. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

7.0 CONSENT CALENDAR

7.1 Approval of February 8 & 22, 2005 minutes

7.1.1 The minutes of February 8 and 22, 2005, were approved as written.

8.0 CALENDER OF UPCOMING EVENTS

8.1 Utah Government Finance Officers Association Meeting, April 6-8 in St. George

Dave Muir and Gary Harmer will be attending the Utah Government Finance Officers Association Meeting April 6-8 in St. George.

8.2 ULCT Conference April 14-16th in St. George

8.2.1 An agenda is not yet available.

8.3 CDBG hearing on March 22nd

A public hearing for the CDBG grant funds will be held on March 22, 2005, at approximately 7:00 p.m.

Councilman Jones expressed thanks to the Mayor and to Dynatronics for the use of their facilities while the City offices are being constructed.

9.0 ADJOURN TO WORK SESSION

9.1 Councilman Antczak moved to adjourn to a work session. The motion was seconded by Councilman Bracken and passed unanimously. The business meeting adjourned at 9:05 p.m.

Submitted by:
Linda Dunlavy
City Recorder

Approved: 03-22-2005

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordan Thomas, Councilman