

MINUTES OF THE CITY COUNCIL MEETING HELD MAY 24, 2005, AT 7:00 P.M., IN
THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER

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

EXCUSED: Councilman Don Antczak

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, City
Treasurer Gary Harmer, Director of Finance David Muir,
Community Development Director Kevin Smith, City Recorder
Linda Dunlavy

OTHERS PRESENT: Catherine Garrett, Mike Watson, Robby Russo, Ron Fullmer,
Geoff Armstrong, Chad Booth, Kit Lindsey, Don Machen, Fern
Baird

1.0 WELCOME/PLEDGE

1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those attending.
Councilman Gordon Thomas led the Pledge of Allegiance.

2.0 PUBLIC COMMENTS

2.1 Don Machen, 8096 Mountain Oaks Drive, congratulated the Council on trying to
negotiate with the County to obtain money that rightfully belongs to Cottonwood
Heights.

2.2 Fern Baird, Box 711, commented on how well Animal Control responds in the City. She
expressed interest in having a City recycling program and will talk to Chad Booth about
that possibility. Ms. Baird made several recommendations regarding roads in the area
which were given to the Community Development Director.

2.3 Lt. Russo requested that the Council consider an ordinance banning beer in local parks,
and that it be a Class B misdemeanor.

3.0 REPORTS/PRESENTATIONS

3.1 City Manager

3.1.1 City Manager Liane Stillman stated that a postcard has been mailed to all citizens and
businesses regarding the public procedure for the adoption of General Plan, Land Use
Ordinance and Zoning Map. The Planning Commission will hold public hearings on
June 1st and June 15th; and the City Council will hold a public hearing on June 28th.

- 3.1.2 The stream flow for Little Cottonwood Creek was at 525 CFS and Big Cottonwood Creek was at 605 CFS. Ms. Stillman stated that debris removal was taking place throughout the day. Despite these high stream flows, the County Flood Control office indicates that unless there is a large storm combined with hot temperatures, they do not believe either of the Cottonwood Creeks will exceed their banks.
- 3.1.3 Ms. Stillman reviewed the status of finishing the offices and updated the Council on Staff meetings that are being held every month.

3.2 Report on Appropriations Request from Council Municipal Services Fund

- 3.2.1 Mayor Cullimore stated that an editorial ran on May 19th in the Salt Lake Tribune that mischaracterized the request the City was making to the County regarding an appropriation from the Municipal Services Fund. The Tribune is allowing the City to run a rebuttal editorial on May 29th. He explained that as part of the unincorporated County, Cottonwood Heights' taxpayers have paid into the County's Municipal Services fund for public safety, fire, animal services, and development services. A feasibility study was conducted in 2002 as part of the incorporation process that showed Cottonwood Heights was contributing approximately \$1.7 million more a year in tax revenue than they were receiving in services. For many years, Cottonwood Heights has been a substantial contributor to the Municipal Service Fund, even subsidizing many needs in the County. As of December 31, 2004, the undesignated, unreserved balance in the Municipal Services Fund was \$21.5 million. In 2001, the balance in the Municipal Services Fund was \$7.4 million and there was a 40 percent tax rate increase imposed in that year. Since then, the fund has continued to increase in value until its current record surplus of \$21.5 million. In 2002, the County Auditor published a long-range forecast, stating that the Municipal Services Fund would be insolvent by 2005 and would require an additional tax increase. Interestingly, just the opposite has occurred as the fund balance has continued to balloon.

In the City's opinion, the fund represents a prepayment of taxes for municipal services. Now that Cottonwood Heights is a City, those services are being provided by contract through the County. The residents also paid for those same services by virtue of the surplus that exists in the municipal services fund. HB 1010 was passed at the last special session of the legislature which says that the County Council may make appropriations from the Municipal Services fund to a new city in order to address such inequities. Despite that legislation the County continues to resist our request for an appropriation from that fund. Mayor Cullimore said the City feels that the legislature does not agree with the County and they are willing to consider legislative solutions if necessary. A committee meeting will be held Wednesday evening at 6:00 p.m. with members representing the County to see if there is any common ground on which a compromise solution can be shaped.

- 3.2.2 Councilman Jones stated that there have been meetings with various County Council members, and he and the Mayor and feel optimistic that a majority of the Council will act reasonably.

3.3 **Fire Department Report**

- 3.3.1 Chief Watson reviewed the statistics for the month of April. He stated that according to County officials, the projections that were given last month, through the National Weather Service, are about 30 percent overstated. There have been 1.3 to 2 inches of snow melting every day.

He explained that there is a potential for an increase in West Nile Virus because there could be more standing water which could increase the mosquito population. There were eleven cases of West Nile Virus reported in Utah last year. Patients usually recover without hospitalization.

Councilman Jones noted that the South Valley Mosquito Abatement District is prepared for aerial spraying if necessary. The spraying would be done along the Jordan River.

Chief Watson encouraged people to change water in bird baths and wading pools weekly and clean rain gutters so there is no standing water. He said that those people that have ponds can get fish that will eat the mosquito larva from the Mosquito Abatement District.

The UFA teaches CPR classes and would like to add Cottonwood Heights to a rotation in August or September.

Mayor Cullimore suggested the City coordinate with Cottonwood Heights Recreation Center on the CPR classes.

3.4 **Volunteer Coordinator Report**

- 3.4.1 Chad Booth stated that there has been a slow response to standing committee requests and believes that additional information about the committees is needed including how often the committees meet, how long the term of office is, and what is involved.

3.5 **Monthly Financial Report**

- 3.5.1 Finance Director David Muir, reviewed the cash basis statement. The City has been able to maintain a positive cash flow without receiving any money from Salt Lake County. The City should have a check from the County for sales tax at the end of the month, and payment on the business license fees. He noted the City received \$5,000 in May from court fees.

4.0 PLANNING/PUBLIC WORKS MATTERS

4.1 Resolution No. 2005-33 approving a contract with Sunrise Engineering for Building Services

- 4.1.1 MOTION:** Councilman Bracken moved to adopt Resolution No. 2005-33, approving a contract with Sunrise Engineering for Building Services. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

5.0 OTHER MATTERS

5.1 Resolution No. 2005-40 appointing a Mayor Pro Tem

- 5.1.1 MOTION:** Councilman Thomas moved to adopt Resolution No. 2005-40 appointing Councilman Bruce Jones as Mayor Pro Tem. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

5.2 Ordinance No. 19 regarding the Adoption and Use of a City Logo

- 5.2.1 MOTION:** Councilman Jones moved to adopt Ordinance No. 19 regarding the Adoption and Use of a City logo. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

5.3 Resolution No. 2005-41 Adopting a City Logo

- 5.3.1 MOTION:** Councilman Bracken moved to adopt Resolution No. 2005-41 adopting the City logo as presented. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

5.4 Resolution No. 2005-42 approving the amended Planning Commission Policies and Procedures

- 5.4.1** City Attorney Shane Topham stated the policies and procedures were amended to clarify that the public comment section of the Planning Commission meeting is for information purposes only; and that there will be no roll call votes. They will have voice votes and anyone voting against a motion will have the opportunity to say why.
- 5.4.2 MOTION:** Councilman Thomas moved to adopt Resolution no. 2005-42 approving the amended Planning Commission Policies and Procedures. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

5.5 Approval of Web site development vendor

- 5.5.1 Councilman Bracken reviewed the process of selecting a vendor. Three companies were picked to make presentations at the last work session. After those presentations were made, and discussions were held with the Council and with Staff, Councilman Bracken recommended that Verite be selected to develop the City website.
- 5.5.2 **MOTION:** Councilman Bracken moved that the Council accept the bid from the firm of Verite for the web site development. The motion was seconded by Councilman Jones and passed unanimously on a voice vote.

5.6 Approval of Short-term Disability Contract

- 5.6.1 Finance Director David Muir, recommended the City enter into a contract with Hartford, through Educators Mutual for short-term disability. The rate they have given the City is almost half of all other quotes that were considered.
- 5.6.2 **MOTION:** Councilman Bracken moved to approve the contract for short-term disability with Hartford. The motion was seconded by Councilman Thomas and passed unanimously on a voice vote.

6.0 CONSENT CALENDAR

- 6.1 The minutes were approved as written.

7.0 CALENDAR OF UPCOMING EVENTS

- 7.1 Following are upcoming meetings:

June 7th – Jordan Board of Education at Brighton High School from 5:00 p.m. to 6:30 p.m.

8.0 ADJOURN TO WORK SESSION

- 8.1 The business meeting adjourned at 8:50 p.m.

Approved: 06-07-2005

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman