

MINUTES OF THE CITY COUNCIL MEETING HELD JUNE 27, 2006, AT 7:00 P.M., IN
THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER

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, City
Recorder Linda Dunlavy, Community Development Director Kevin
Smith, Finance Director David Muir, Planning Director Michael Black

OTHERS PRESENT: Mike Watson, Captain Marty Slack, R.J. Braman, Barbara Hickok,
Don Hobby, Ken Hansen, Rhonda & Tom Tolick, Sharon and Dennis
Pickett, Lois G. Shore, Lillian Nelson, Ron Larrabee, Larry T. Jensen,
Chris Duke, Joseph Sigler, David & Amy Nance, Tim Ferre, Luke
Wieben, Ralph Wieben, April Hagendorf, Bob Hagendorf, Kip Cazier,
Mary Collard, Kent Turnbow, Scott Hansen, Jeff Anderson, Martin
Spretsaltz, Mike & Amelia Evans

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1.0 **WELCOME/PLEDGE**

1.1 Mayor Cullimore opened the meeting at 7:03 p.m. and welcomed those in attendance.

1.2 The Pledge of Allegiance was led by Councilman Gordon Thomas.

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2.0 **CITIZEN COMMENTS**

2.1 No comments were received.

3.0 **REPORTS**

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3.1 **Unified Fire Authority**

3.1.1 Captain Marty Slack reviewed the safety message noting that the fire danger is very high and the Fire Authority is concerned with the wild lands and urban interface field fires. He encouraged residents to be aware of the fire danger and to abide by the firework restrictions that have been placed on residents.

Captain Slack stated that during May there were 184 medical calls up 22 from May 2005 and 81 fire calls up 16 from the previous year.

4.0 ACTION ITEMS

4.1 **Consideration of Ordinance No. 52 Amending Section 11.20.060 of the Cottonwood Heights Code, Restricting Parking/Storage of Certain Vehicles and Trailers in Residential Areas Due to Safety and Neighborhood Aesthetic Concerns**

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4.1.1 Mayor Cullimore explained that the proposed Ordinance is focused on safety and stated that Staff will demonstrate how controlled vehicles can properly be parked on private property. He said that essentially, the controlled vehicle cannot block the public right-of-way, it must be parked on a hard surface, and it must be parked so that neighbors can safely exit and enter their driveways. Mayor Cullimore also pointed out that the proposed Ordinance relaxes the standard that currently exists.

4.1.2 Planning Director Michael Black reviewed the clear view triangle issue.

4.1.3 Councilman Bracken said the current ordinance states, “No person shall park a recreational vehicle occupied, or empty trailer on any public street or within a residential zone for a time period of longer than two hours, or within the front yard of any residential zone” which the Council felt was too restrictive.

4.1.4 Councilman Thomas said that the Council has set goals and objectives that they want to see accomplished and the top item on the list is safety related.. He said that he would hate to have an accident happen because the City Council failed to act on what they thought was a safety issue.

4.1.5 Councilman Jones asked if the City has done a survey of ordinances from other entities and whether other ordinances are based on aesthetics or safety.

Community Development Director Kevin Smith said a survey was done, and out of eleven cities surveyed, five did not have an RV ordinance and some restricted them in the front yard which is an aesthetic concern.

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4.1.6 Mayor Cullimore opened the public comment period.

4.1.7 Bob Hagendorf, expressed opposition to the proposed ordinance. He stated that he is the author of the letter which he has been told includes misinformation. He explained that his neighbor is interested in purchasing a trailer to place on her residence and reading the ordinance she has no idea whether she will be able to park the trailer or not because the ordinance does not define the clear view standards. Mr. Hagendorf said that he believes that this ordinance is purely aesthetic. 100 letters were passed out to residents he felt were in violation of the current ordinance. He said that if this is a safety concern there is an obligation to report existing violations.

- 4.1.8 Ralph Weiben, asked if people will be expected to relandscape if there are large trees in the clear view triangle.

Mayor Cullimore stated that this ordinance does not address landscaping, only controlled vehicles.

- 4.1.9 April Hagendorf, asked if the City has any statistics concerning accidents that have happened, due to someone pulling out of their driveway with the view blocked by a trailer or motor home.

Councilman Thomas said the national statistic is that three children out of 100,000 are backed over and in Utah it is seven children out of 100,000.

Ms. Hagendorf said that she has lived here for 40 years and is not aware of any accidents that have been caused by RVs being in driveways. She said that the Council needs to consider the economic impact to the residents that may have to alter their property.

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- 4.1.10 Sharon Pickett, stated that her comments regarding the proposed ordinance were given to the Council in writing. She said that six months ago she talked to the Code Enforcement Officer and was told what they could build a six-foot, white vinyl fence in their front yard which has been installed. She said that they talked to him twice to make sure they were in compliance. When the fence was installed, the neighbor complained and the Code Enforcement Officer came out to look at the situation and told them they were in compliance. She said that Councilman Thomas then told her that the fence was not in compliance. She said that if the City makes them take the fence down to four feet, she would assume the City will pay for the removal and the difference between the cost of a six foot fence and a four foot fence.

Mayor Cullimore said that if there has been a miscommunication the City will work with the Picketts on the fence issue.

- 4.1.11 Ken Hansen, 1700 East 7200 South, said that the clear view triangle issue was not addressed accurately in the letter that was distributed to residents, as has been explained. He stated that he believes he is in compliance with the proposed ordinance.

Mr. Hansen said that there is a four-way stop sign on 1700 East 7200 South which people do not stop at. Part of the problem are the trees around the stop signs which need to be trimmed.

The City will have the public works department trim the trees at that intersection.

4.1.12 Joseph Sigler, Hollowdale Drive, expressed opposition to restricting any type of vehicle from being parked on his property. He said that the clear view triangle prohibits anything higher than three feet which includes most automobiles. He is concerned about how far the ordinance will go and whether cars will eventually be prohibited.

4.1.13 Martin Spretsaltz, pointed out that the City is talking about safety and believes the City should take care of its own safety problems. He said that there are streets with no sidewalks, curbs, gutters, or lighting that need to be taken care of. He suggested the City set an example and address safety correctly by cleaning up the City first.

Mayor Cullimore explained that putting sidewalks in some of the older neighborhoods would exacerbate this problem because a public right-of-way would be created that would require a controlled vehicle to be parked behind the sidewalk. He pointed out that there are as many people saying they don't want sidewalks in neighborhoods where there are none, as those who say that they do.

4.1.14 Jeff Anderson, stated that he feels strongly about private property rights and is opposed to any infringements of those rights. He said that if this ordinance is less restrictive he is in support.

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4.1.15 Barbara Hickock, reviewed the situation of a neighbor to see if they meet the clear view standards.

4.1.16 Scott Hansen, said that on the corner of Highland Drive and Bengal Blvd, going east out of Parkridge Drive, there is a 12-foot concrete fence which you cannot see around until you are almost in the traffic which makes it very dangerous.

Mayor Cullimore said that the City will look at the situation.

4.1.17 John Bramen, noted that the fence just discussed is his noise abatement fence. He stated that he was misinformed about the clear view triangle issue and does not believe he has any conflict with the ordinance.

4.1.18 Kent Turnbow, Chris Lane, apologized to the Mayor and Council for being upset when he came to the meeting. He said that misinformation is the worst kind of information and if the City is going to do what they have talked about tonight he is fine with it.

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4.1.19 Mary Collard, asked for clarification on controlled vehicles.

Mayor Cullimore explained that if your property is under ½ acre you are limited to two controlled vehicles, and for every ¼ of an acre over ½ acre you are allowed an extra vehicle.

4.1.20 Dennis Pickett, said that two years ago his neighbor reported him to Salt Lake County because his truck and trailer were in front of his garage and blocked their ability to have a view of the mountains. The County reviewed the situation and he sold his truck and trailer in order to comply with the county ordinance. He then purchased a motor home that was in compliance with the County. A year later the City incorporated and he again became out of compliance He asked about grandfathering those that already had the vehicles. He believes the City's attitude has been that he should get rid of the motor home or store it which costs more money and infringes on his rights as a property owner and taxpayer. He noted that he has already sold his motor home.

4.1.21 Kip Cazier, said he has a trailer and one-ton truck he uses in his business and asked if he was in violation of the proposed ordinance.

Mr. Black said he was not.

4.1.22 Mayor Cullimore closed the public comment period.

4.1.23 Councilman Bracken said that questions have been raised regarding the notification process. He explained that residents can go to the City website and sign up for notifications. They are posted in the City offices as well as at the Recreation Center and Library. There is also access to the agenda by calling the City.

4.1.24 Councilman Jones said the difficulty with this issue is that from an aesthetic standpoint, what we do with our property impacts our neighbors property. He said to have to sell or move an RV is an expensive proposition and to keep the RV may affect the property values around us. Both people have a reliance argument and so the City is trying to look at the issue from a broader perspective. The City felt that safety was the most important concern. Councilman Thomas has taken this issue to heart and there is a sincere effort to want to do the right thing. He asked the residents to take into account that there are people trying to do their best on a very difficult issue.

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4.1.25 Councilman Antczak expressed appreciation for the input from the residents. He said there has not been an issue the Council has wrestled with more than this one. He noted that he finds himself out of compliance with the proposed ordinance and shares in the concerns that have been stated. He agreed that the ordinance is not for aesthetics, but for safety and the betterment of the entire community.

4.1.26 Councilman Jones said that one of the difficult issues regarding safety matters is determining where to start. The City tries to prioritize all of the issues before them and to do them one at a time.

4.1.27 Councilman Thomas stated that he questions if there should be an adjustment to the proposed ordinance with regards to the clear view triangle and the number of controlled vehicles allowed on ½ acre of property.

City Attorney Shane Topham stated that the clear view standards refer to nationally recognized standards from ASHTO, a national public safety group of traffic engineers and experts that determine standards including the clear view standards.

4.1.28 Councilman Thomas noted that the Development Review Committee will be able to look at properties and make a determination regarding compliance if there are questions.

4.1.29 Mayor Cullimore expressed appreciation to those who have given input. He explained that one of the responsibilities of the Council is to make decisions based on the best interest of all residents of Cottonwood Heights. He said that the City is trying to change what the City considers a negative ordinance into something that is more palatable. The proposed ordinance tries to make allowances for as many circumstances as possible that do not impinge on safety.

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4.1.30 **MOTION TO AMEND:** Councilman Thomas moved to amend Ordinance No. 52 to allow three controlled vehicles on up to ½ acre and one vehicle per quarter acre thereafter for a total of five controlled vehicles. The motion was seconded by Councilman Antczak.

DISCUSSION: Mayor Cullimore stated that allowing three controlled vehicles means you could have three RVs parked on a property and he would be more in favor of leaving it as written and dealing with the exceptions as they come along.

VOTE ON AMENDMENT: The amendment to Ordinance No. 52 passed on a vote of 3-2 with Mayor Cullimore and Councilman Jones voting no.

4.1.31 **VOTE ON AMENDED MOTION:** Councilman Bracken moved to adopt Ordinance No. 52 as amended. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

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4.2 **Consideration of Ordinance No. 56 Amending Chapter 19.40 (CR-Regional Commercial Zone) to Add Certain Car Washes and Certain Pawn Shops as Conditional Uses; Amending Chapter 19.05 to Provide Definitions; and Amending Chapter 19.76 (Supplementary and Qualifying Regulations) to Regulate Car Washes**

- 4.2.1 **MOTION:** Councilman Jones moved to adopt Ordinance No. 56 amending Chapter 19.40 to add certain car washes and certain pawn shops as conditional uses; amending Chapter 19.05 to provide definitions; and amending Chapter 19.76 to Regulate Car Washes The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

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4.3 **Consideration of Ordinance No. 57 Amending Title 12 to Include New Sections 12.04.102 and 12.20.060 Regarding “Flag Lots”**

- 4.3.1 **MOTION:** Councilman Bracken moved to adopt Ordinance No. 57 amending Title 12 to include new Sections 12.04.102 and 12.20.060 regarding Flag Lots. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

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4.4 **Consideration of Ordinance No. 58 Amending Title 19 to Include New Chapter 19.35, “RO- Residential Office Zone”**

- 4.4.1 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 58 amending Title 19 to include new Chapter 19.35, RO- Residential Office Zone. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

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4.5 **Consideration of Ordinance No. 59 Creating a Community Development and Renewal Agency; Designating the City Council to be the Governing Body of the Community Development and Renewal Agency; Granting to the Community Development and Renewal Agency the Authority Provided by Statute; and Providing for an Effective Date**

- 4.5.1 **MOTION:** Councilman Thomas moved to adopt Ordinance No. 59 creating a Community Development and Renewal Agency; designating the City Council to be the governing body of the Agency; granting the authority provided by statute; and providing for an effective date. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.
- 4.5.2 City Attorney Shane Topham stated that he would provide copies of the Ordinance to the Lt. Governor for certification.

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4.6 **Consideration of Resolution No. 2006-26 Approving a Criminal Prosecution Legal Services Agreement with Miller & Miller for FY06-07**

- 4.6.1 **MOTION:** Councilman Bracken moved to approve Resolution No. 2006-26 approving a Criminal Prosecution Legal Services Agreement with Miller & Miller for FY06-07. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

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4.7 **Consideration of Resolution No. 2006-27 Approving Indigent Criminal Defense Legal Services Agreements with Douglas L. Stowell, Steven B. Wall and Richard R. Golden) for FY06-07**

- 4.7.1 **MOTION:** Councilman Bracken moved to approve Resolution No. 2006-27 approving Indigent Criminal Defense Legal Services Agreements with Douglas L. Stowell, Steven B. Wall and Richard R. Golden for FY06-07. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

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4.8 **Consideration of Resolution No. 2006-28 Approving a Civil Legal Services Agreement with Wm. Shane Topham for FY06-07**

- 4.8.1 **MOTION:** Councilman Jones moved to approve Resolution No. 2006-28 approving a Civil Legal Services Agreement with Shane Topham for FY06-07. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

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4.9 **Consideration of Resolution No. 2006-29 Approving an Employment Agreement with Daniel Cox for IT Services for FY06-07**

- 4.9.1 **MOTION:** Councilman Bracken moved to approve Resolution No. 2006-29 approving an employment agreement with Daniel Cox for IT Services for FY06-07. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

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4.10 **Consideration of Resolution No. 2006-30 Approving an Independent contractor Agreement with Brian Allen d/b/a Evviva Enterprises, Inc. and/or Evviva Consulting for FY06-07**

- 4.10.1 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-30 approving an Independent Contractor Agreement with Brian Allen for lobbyist services for FY06-07. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

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4.11 Consideration of Resolution No. 2006-31 Approving an Agreement for Engineering Services with Gilson Engineering for FY06-07

4.11.1 **MOTION:** Councilman Jones moved to approve Resolution No. 2006-31 approving an Agreement for Engineering Services with Gilson Engineering for FY06-07. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

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4.12 Consideration of Resolution No. 2006-32 Approving an Agreement for Building Services with Sunrise Engineering for FY06-07

4.12.1 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-32 approving an agreement for Building Services with Sunrise Engineering for FY06-07. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

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4.13 Consideration of Resolution No. 2006-33 Approving Entry into an Interlocal Agreement with Cottonwood Heights Parks and Recreation Service Area for Landscaping and Maintenance Services for FY06-07

4.13.1 Councilman Antczak moved to approve Resolution No. 2006-33 approving entry into an Interlocal Agreement with Cottonwood Heights Parks and Recreation Service Area for Landscaping and Maintenance Services for FY06-07. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

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4.14 Consideration of Resolution No. 2006-34 Approving Entry Into An Interlocal Agreement with Salt Lake County for Public Works Services

4.14.1 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-34 approving entry into an Interlocal Agreement with Salt Lake County for Public Works Services. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

5.0 CONSENT CALENDAR

5.1 Approval of June 20, 2006 Minutes

5.1.1 The minutes were continued to the June 27th meeting.

6.0 ADJOURN

- 6.1 Councilman Thomas moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote. The Business Meeting adjourned at 9:03 p.m.