

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,
SEPTEMBER 11, 2012, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL
CHAMBERS

MEMBERS PRESENT: Mayor Pro Tempore Scott Bracken, Councilman Tee Tyler, Councilman Mike Peterson, Councilman Mike Shelton

EXCUSED: Mayor Cullimore

STAFF PRESENT: City Manager Liane Stillman, Administrative Services Director Linda Dunlavy, City Attorney Shane Topham, Assistant Chief Mike Watson, Police Support Specialist Sheila Jennings, Chief Robby Russo, Public Works Inspector Kyle Butterfield, Community Development Director Brian Berndt, Public Relations Specialist Stephanie Archibald

ALSO PRESENT: YCC Representative Laura Thackery, Nicole Coombs

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Pro Tem Bracken called the meeting to order at 7:00 p.m. and welcomed those attending.

1.2 Councilman Peterson led the Pledge of Allegiance.

1.3 Mayor Pro Tem Bracken introduced Youth City Council representative Laura Thackery. Laura is a sophomore at Brighton High School.

2.0 9/11 REMEMBRANCE

2.1 The Council observed a moment of silence in remembrance of the 9-11 tragedy. Mayor Pro Tem Bracken stressed the importance of recognizing emergency responders in the community and Chief Russo and Chief Watson were asked to convey the Council's gratitude to their departments.

3.0 CITIZEN COMMENTS

3.1 There were no citizen comments.

4.0 REPORTS/PRESENTATIONS/RECOGNITIONS

Standing Monthly Reports

4.1 August Police Report

4.1.1 Police Support Specialist Sheila Jennings reviewed the statistics for the month of August. Calls for service remained consistent and calls for service by priority were typical. Response times were under five minutes for all Priority 1 calls and under eight minutes for Priority 3 calls. The Uniform Crime Report showed that two robberies were reported. One was unfounded while the other was an attempt by a knife-wielding man to rob the Chevron on Fort Union Boulevard and Highland Drive. One robbery was thwarted when men with hoods approached Wingers with the intent to rob it. Ms. Jennings reported that burglaries were more than double last month and many of the leads involved juveniles. She reviewed each of the 26 cases and found that three were the result of unlocked doors into homes, eleven from unlocked vehicles and open garages,

five involved windows or doors being broken to gain entry, one case involved a resident who was at home sleeping, and three were committed by family members.

- 4.1.2 Chief Russo reported on a recent drug arrest involving 20 ounces of cocaine and the seizure of more than \$12,000 in cash. Law enforcement is being proactive and so that crimes can be prevented.

- 4.1.3 Ms. Jennings reported crimes by City Council district. District 1 had four sex offenses and five burglaries reported; District 2 had one sex offense and ten burglaries reported; District 3 had seven burglaries reported and District 4 had one sex offense reported and the investigation is ongoing.

403 traffic citations and 34 DUI citations were issued. The locations were shown on a map. There were 51 traffic crashes involving property damage and 15 with injuries.

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

4.2 **Public Works Report**

- 4.2.1 Public Works Inspector, Kyle Butterfield, presented the monthly public works report and reviewed active projects. This month Salt Lake County completed chip seals on 3000 East, 1300 East and Danish Road. They will now begin overlay work on Fort Union Blvd. The public has been notified of the upcoming work. He also noted that ADA ramps are being updated. Currently 15 ramps have been upgraded and the work will be ongoing as long as weather permits. The East Jordan Canal and 2300 East storm drain projects are now complete.

Mr. Butterfield reported that a Union Park landscape project will be bid in January so that construction can begin in the spring. The contracted services for trip hazard mitigation are ongoing and will continue as long as there is funding for the year. Going forward staff plans to prioritize problem areas. Regarding the street sweeping contract, the shared sweeper is in Taylorsville and once the sweeping there is complete it will move to Cottonwood Heights. This fiscal year the sweeper has completed a partial sweep and a full sweep of the City. The 50/50 sidewalk replacement program is very popular with residents. Approximately 20 properties have been completed so far this year and work is continuing.

The contract for the Big Cottonwood Canyon Trail project was awarded to Stapp Construction. Staff received a letter from UDOT indicating that they were willing to enter into an agreement; however, a Notice to Proceed will not be issued until the contracts are signed and the bonds worked out.

- 4.2.2 A complete copy of this report is available on the City's website.

5.0 **ACTION ITEMS**

- 5.1 **Consideration of Resolution No. 2012-48 Approving a Limited Agency Agreement with NuTerra Reality, LLC.**

- 5.1.1 City Manager Liane Stillman reported that the proposed resolution would approve an agreement with Marc Lloyd to represent the City in negotiations probing the availability of the building and the parking structure currently housing the city offices, which are conjoined for sale with another property. Mr. Lloyd would represent the City just in this particular property negotiation. The

City has no financial obligation unless the property is purchased at terms the City Council would approve.

- 5.1.2 **MOTION:** Councilman Peterson moved to approve Resolution 2012-48. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

5.2 **Consideration of Resolution No. 2012-49 Accepting a Bid and Approving a Construction Contract with Bowen Construction**

- 5.2.1 Mayor Pro Tem Bracken reported that the proposed resolution addresses the drawings and construction of the speed tables on 2325 East and Nantucket Drive. The total cost of the project is approximately \$20,000.

- 5.2.2 **MOTION:** Councilman Tyler moved to approve Resolution 2012-49. The motion was seconded by Councilman Shelton and passed unanimously on a roll call vote.

5.3 **Consideration of Resolution No. 2012-50 Accepting Requests for Indemnification**

- 5.3.1 Mayor Pro Tem Bracken reported that a lawsuit has been filed against the City that involves several employees.

- 5.3.2 City Attorney Shane Topham explained that under the Governmental Immunity Act of Utah, when employees of a governmental entity are sued in connection with their job functions, they have the right to request that the governmental entity defend and indemnify them from those claims. That request has to be made within ten days after the city has been served. The City is then obligated to accept the request and provide the defense and indemnity with very limited exceptions. The exceptions include the employee wasn't acting in the performance of his duties, not acting within the scope of his employment, or wasn't acting under color of the employee's authority. This particular request for indemnification relates to a civil rights lawsuit filed against the City in federal court by Douglas Abeloe relative to his arrest in connection with a child custody dispute. Mr. Abeloe alleges that City officers should not have arrested him. Mr. Topham stated that the City has been aware of the potential lawsuit for nearly two years and there is no indication that the officers acted improperly. Mr. Topham recommended the resolution be approved.

- 5.3.2 **MOTION:** Councilman Shelton moved to approve Resolution 2012-50. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.

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

- 6.1 **MOTION:** Councilman Peterson moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilman Shelton and passed unanimously on a roll call vote. The business meeting adjourned at 7:38 p.m.