

MINUTES OF THE CITY COUNCIL MEETING HELD NOVEMBER 24, 2009, IN THE CITY COUNCIL CHAMBER AT COTTONWOOD HEIGHTS CITY OFFICE

**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, Finance Director David Muir, Deputy City Manager Kevin Smith, Planning Director Michael Black, Chief Robby Russo, Assistant Chief Mike Watson, Public Information Specialist Bob Warnick

**ALSO PRESENT:** Scout Troop 86, Stephanie Archibald, Kevin Cromar, William McCarvel, Tee Tyler

**1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

- 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 Colton Smart, Senior Patrol Leader, Troop 86.

**2.0 CITIZEN COMMENTS**

- 2.1 William McCarvel, 3607 Golden Hills, expressed concern about the proposed Canyon Resort Residential ordinance. He said that recent information he has received points to unresolved issues relating to the process and specific ordinance requirements, and asked that any vote delayed until the issues are resolved and the new Council is seated.
- 2.2 Kevin Cromar, member of the Canyons School District School Board and chair of the Cottonwood Heights Historical Committee, declared that tonight he is speaking as a citizen. Mr. Cromar stated that since he was elected to the Canyons School District Board in June 2008, he has not had a single contact from the Mayor or Council even though multiple contacts have been made by the Mayor to other Board members and Dr. Doty, on issues ranging from tennis courts to hazing, which does not seem to be very politically astute. He further commented that Mayor Cullimore led the other mayors in endorsing one of his 15 opponents, even though Mayor Cullimore indicated initially that he would remain neutral as long as there was more than one citizen running from Cottonwood Heights. He noted that there were six residents from Cottonwood Heights who ran for the school board seat.

Mr. Cromar said that when he and Kim Horiuchi appeared before the City Council recently, he found it a bit awkward. He explained that he understood Kim's help with the City, but it was almost as if he did not exist that evening and was being blotted out. As chair of the Historical Committee, Mr. Cromar said that he has given hundreds of hours of voluntary service to the city and spent many hours producing historical DVDs for the 2009 Butlerville Days, working on the historical photo display and historical drama production without any remuneration. He said that not once in the three years he has worked on Butlerville Days has he been recognized in a long list of recognitions of those who contribute their efforts, although Kim Horiuchi was thanked and named the last two years as the City's Board member. He reminded the Council there are now two Board members representing the city. Mr. Cromar made it clear there is no problem between Kim and him on the Board and they work effectively together and share many common goals for the new school district. He was disappointed in the lack of support of the Butlerville Days historical drama production which no one from the city attended with the exception of Councilman Antczak. He expressed disappointment in the poor promotion and lack of press coverage of this production, a portion of which he blames on the city's liaison, and it is no secret

among staff that Councilman Antczak and he do not have the best relationship on this committee but wished Don well as he goes forward.

Mr. Cromar stated that he has appreciated the positive relationship with the City Manager and some of the other staff members. The historical drama presentation during Butlerville Days satisfied requirements for the oral history grant received from the Utah Humanities Council and State History Society. He said he did not understand the lack of invitation to the recent Timberline Trailhead Dedication while a former state senator was invited. It would seem his position as a political leader in the community, as well as the historical committee chair would have qualified him for an invitation to that event especially since he works closely with Brad Gilson and Michael Black. Finally, he said that he is receiving feedback regarding comments by Mr. Bob Warnick to others that has caused him some trouble, which is hard to write off and the only word that comes to his mind with these comments is discrimination. Mr. Cromar hoped that none of the comments have to do with his position on recommending the city use the Butler Elementary property for city hall rather than Cottonwood Heights Elementary school. His position is not to be obstructionist, but to do what is best for the children of the district and citizens of Cottonwood Heights. He stated that he looks forward to the future and welcomes the two newly elected Council members.

He thanked Councilman Jones for being his representative on the Council and stated that he has done an outstanding job. Mr. Cromar presented Mayor Cullimore with a copy of the 2009 Butlerville Days DVD of the history of the city.

- 2.3 Mr. Cromar also spoke against the development that is being proposed in the mouth of the canyon.
- 2.4 Councilman Jones stated that the City should rectify these problems and do better. He stated that Mr. Cromar does deserve the recognition he mentioned for serving the city in so many capacities. Councilman Jones expressed appreciation for Mr. Cromar's service. He said that the relationship with the school district is valued by the City Council.
- 2.5 Mayor Cullimore echoed the comments made and invited Mr. Cromar to sit down and discuss any issues.

### 3.0 **REPORTS/PRESENTATIONS**

#### 3.1 **Unified Fire Report**

- 3.1.1 Chief Watson reviewed the statistics for October 2009. There were 70 fire calls this year compared with 65 calls last year; and 184 medical calls compared to 147 last year. He explained that traffic accidents and falls are a large percentage of what the fire department responds to.

Stations 110 and 116 had a total of 89 advanced life support calls, 48 basic life support calls and 85 transports.

- 3.1.2 Chief Watson reminded residents to change the batteries in smoke and carbon monoxide detectors, and to replace smoke detectors if they are over ten years old. He also recommended that residents make sure furnaces are in good working order. He also provided an H1N1 update.

3.1.3 Chief Watson reviewed the customer service message for stations 110 and 116

3.1.4 City Manager Liane Stillman said the medical calls are disproportional between Stations 110 and 116. Approximately 43% more calls come from Station 110 and asked if that same proportion would hold true on fire calls.

Chief Watson said that he is going to research that issue to see the exact relationships. He said that Station 110 is in the middle of commercial area which Station 116 does not see.

Ms. Stillman asked if the UFA could determine if the calls from Station 116 are going to the Willow Creek area, or whether Willow Creek is in addition to the calls being reported.

Chief Watson will request the information from VECC.

### 3.2 **October Financial Report**

3.2.1 Finance Director David Muir reviewed the financial report for the month of October. He said that the auditors were here for a couple of days and are now gone. He explained that some department totals are a bit high due to double postings in payroll which Caselle is currently working on. The City reserved its first property tax installment of \$700,000. Sales tax is trending at about 85 percent of the previous year. The first billing from the Holladay Court was received with \$80,000 in revenues and \$45,000 in expenditures.

Mr. Muir stated that an audit committee meeting needs to be held when possible.

### 4.0 **ACTION ITEMS**

#### 4.1 **Consideration of Ordinance No. 144 Amending the General Plan (A/K/A Highland Drive General Plan Amendment)**

4.1.1 Mayor Cullimore stated that this proposed amendment to the general plan has been under consideration for some time. A meeting was held two weeks ago and additional public comment was taken.

4.1.2 Planning Director Michael Black said staff and the Planning Commission are recommending a general plan amendment that is city-initiated, meaning that the City is driving the application, for fifteen properties along Highland Drive to be changed from Residential Single Family to Residential Office. This process began in August of 2008, and approximately twelve meetings have been held. He noted that all properties front on Highland Drive or the Highland Drive frontage road.

Mr. Black said that a Zoning Conditions Ordinance is being proposed which could give the opportunity to limit the number of uses, limit the height of buildings, the square footage and the density if it is a residential project. He stated that this will be a good tool in evaluating proposed zone changes.

4.1.3 Councilman Thomas expressed disappointment the last time the Council reviewed this general plan amendment. He congratulated the neighbors for seeing this process through and attending all of the meetings regarding this change.

- 4.1.4 **MOTION:** Councilman Thomas moved to approve Ordinance No. 144A. The motion was seconded by Councilman Bracken.

Councilman Bracken said that much time was spent on this proposal and it has worked out well.

Councilman Antczak stated that having lived on a busy street and next to office buildings he believes this will be good for the neighborhood and voted yes.

Councilman Jones voted yes.

Mayor Cullimore thanked the citizens who have been involved in the process. The input was helpful in arriving at the final conclusion. He said that in a previous meeting a comment was made about a reference Michael Black made to the area having 'no architectural significance'. Some people took offense at that comment and the Mayor clarified the comment by explaining that the definition of architectural significance has nothing to do with how nice the homes are or the architecture of the homes, but with the historical value of the architecture and whether there is a reason to preserve. He also said that there seems to be a perception that the main motivation for this consideration is blight which is not correct. There is concern about blight over the long term, but the main motivation is to envision the most appropriate use of the property in the future. Nothing is being rezoned today; a General Plan Amendment is being approved that is intended to be a visioning process of what might appropriately go on these properties in the future. This matter has been discussed at length before coming to a decision. He made clear that the neighbors' first preference is not that the property be residential office, but that it remain residential and the support for residential office is more that if it has to change this would be the preferable zone. The City will entertain any redevelopment proposal that comes before the city that maintains the residential nature of the property. This zone does allow for residential development. Mayor Cullimore said that not everyone agrees on development of any property. The city has to look at the desires of the property owners and determine if their desires present any detrimental impacts that cannot be mitigated. All affected property owners are in favor of the proposed general plan amendment. Some prefer more intense use and the process has resulted in a compromise outcome that is very fair. Currently a 35 foot home could be built at this time on the property, and the 35 foot height that is permitted now would remain. Given the restriction of the RO zone relative to the type of construction required, and the limitations on the building envelope, a 5,000 square foot footprint should not be overwhelming. The building would be proportioned to the lot and would require buffering for the residential area behind it. Most of the uses under residential office are not intense uses, but professional office. Mayor Cullimore voted yes on the proposed amendment as recommended by the Staff and Planning Commission. He believes it is a good compromise and complimented the property owners and citizens that have worked on this project. Mayor Cullimore encouraged Staff to look for alternatives for addressing traffic issues on the frontage road.

The motion passed unanimously on a roll call vote.

- 4.2 **Consideration of Ordinance No. 145 Amending the General Plan (A/K/A Fort Union General Plan Amendment)**
- 4.2.1 City Planner Michael Black explained that the proposed amendment affects three properties on Fort Union Blvd and approximately 2300 East which are owned by Gary Carlson. He explained

that there is a regional commercial use on one side of the property and a regional commercial zoning on the other side. There is a residential use in the middle and a general plan classification of neighborhood commercial on the subject properties. In order to be consistent with the surrounding land uses, the Planning Commission suggested a land use designation change to Regional Commercial to accomplish their goal on the property which is a self-service car wash. Mr. Black stated that very few comments were received and this change is consistent with other frontage properties on Fort Union Blvd.

- 4.2.2 **MOTION:** Councilman Jones moved to approve Ordinance No. 145A. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

5.0 **CONSENT CALENDAR**

- 5.1 Approval of November 10, 2009 Minutes

The minutes were continued to the November 24, 2009 meeting.

6.0 **ADJOURN**

- 6.1 Councilman Bracken moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilman Antczak and passed unanimously on a voice vote. The business meeting adjourned at 8:05 p.m.