

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD  
TUESDAY, MARCH 30, 2010, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY  
COUNCIL CHAMBERS**

**Members Present:** Mayor Kelvyn Cullimore, Councilman Scott Bracken, Councilwoman Nicole Omer, Councilman Gordon Thomas, Councilman Tee Tyler

**Staff Present:** City Manager Liane Stillman, Deputy City Manager Kevin Smith, Chief Robby Russo, Planning Director Michael Black, Public Information Specialist Bob Warnick, Finance Director Dave Muir, Director of Finance Steve Fawcett, Sgt. Paul Brenneman, Battalion Chief Brad Lynn

**Also Present:** Chris Castleton – Youth City Council Member, Heath Lowry

**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 Scout Joshua Davis, Scout Troop 1571.

**2.0 CITIZEN COMMENTS**

2.1 Ed Firmage, spoke in opposition to the proposed zoning issue. He opposed the proposed high-density development at Tavaci because he considers high-density development anywhere in the Salt Lake Valley to be inappropriate unless it involves the simultaneous reduction of the present number of single-family dwellings. Mr. Firmage reported that the State's Division of Natural Resources concludes that the Salt Lake Valley as a whole is operating at 86% and the Jordan Valley Water Conservancy District at 100% of dry year water capacity. Mr. Firmage noted that when water demand is high, even a mild drought can cause extreme drought conditions. He asked that the council not approve high-density development of any kind at the Tavaci development.

**3.0 REPORTS/PRESENTATIONS**

**3.1 Recognition of Debbie Tyler for Service on the Board of Adjustment.**

3.1.1 Mayor Cullimore recognized Debbie Tyler's service to the city since it was organized over five years ago. When her husband was elected to the city council, Mrs. Tyler deemed it necessary to resign from her position on the Board of Adjustment. Debbie Tyler was presented with a letter of recognition and a gift certificate. Mrs. Tyler remarked that the board consists of bright and responsible people and she considered it an honor to have served with her fellow board members.

**3.2 Report and Recommendations from Citizens Advisory Committee for Canyons Resort Residential Ordinance (Tavaci).**

3.2.1 Chair Gordon Walker identified each member of the committee. He reported that the group began with disparate opinions, and through the process met with several key advisors, the developers, and other organizations. Meetings were open to the public and there was free and open discussion and in the end there was significant agreement within the committee. Mr.

Walker stated that he believes the report represents a consensus of the committee and will be made available to the public.

Mr. Walker presented the report and stated that the committee unanimously agreed that a CRR zone is not appropriate for the Tavaci project. The committee was split between two recommendations. The first recommendation was to let the development proceed under the current zoning and the approved plan and limit density to 43 single-family homes. The second recommendation was to allow a rezone to an existing residential zone that allows for higher density of single homes, no higher than R-1-10.

3.2.2 Mayor Cullimore expressed appreciation to the committee for their report and for their time and efforts on this committee.

3.2.3 Councilwoman Omer asked if the committee ever discussed what a CRR zone might look like.

Mr. Walker stated that the committee was never asked to envision a CRR zone but discussed a potential CRR zone in relation to the subject property. They then discussed the concept of a stand-alone CRR zone. He explained that it was very clear to the committee from the outset that the CRR zone and this property were not compatible.

3.2.4 Councilwoman Omer asked if sensitive lands were the primary reason the committee determined a CRR or Sensitive Lands Overlay Zone to be incompatible with the project and if there is anywhere in the city where the zone would be appropriate.

Mr. Walker responded that the committee discussed the issue in detail and it was determined that the city had not had the opportunity to sufficiently explore the necessity of a Sensitive Lands Overlay Zone and as a result, the committee felt that until the city makes a determination with regard to a specific Sensitive Lands Overlay Zone, the County's Sensitive Lands Overlay Zone should be used as it has been vetted and accepted in other parts of mountainous terrain along the Wasatch Front.

3.2.5 Councilwoman Omer asked about density and potential clustering and what that would look like.

Mr. Walker responded that clustering is a function of the Foothills and Canyons Overlay Zone (FCOZ) and considered the possibility of granting bonus density to a developer willing to mitigate ridgeline and hillside creep properties. The committee chose not to designate an exact number of units since it involves a negotiation based on mitigation.

3.2.6 Mr. Walker was asked to comment on items the committee felt might have a detrimental effect and explained that the committee heard from many experts about various issues including water, sewer, and traffic and determined that any potential impact can be mitigated. As a result, the committee did not deal with those issues. Issues that cannot be mitigated pertain to view degradation and lighting, which were addressed by the committee.

Mr. Walker suggested that if the city were to adopt the county FCOZ and the sensitive lands issue, there would be a strong concurrent opinion among the committee. In discussing the clustering and increased density issues, the committee believed it was important to have those regulations in place.

3.2.7 Mayor Cullimore clarified that the city is currently in the process of revising a sensitive lands ordinance, but explained that the city is obligated to abide by the current adopted ordinances.

Mr. Walker commented that the committee feels the city has work to do prior to considering the zone or any other changes. The opinion of the committee was that the entire area should be master planned in order to make a meaningful decision on the proposed project. The committee believes that in order to create increased density, all good development and planning procedures can be used because clustering will result from the FCOZ. The committee did not specifically discuss the issue of attached versus detached in the clustered zone; however, the intent was that it be clustered sufficiently so that perhaps a zero lot line might not be detrimental.

- 3.2.8 Ms. Stillman asked if the committee discussed an incentive for public amenities in exchange for density.

Mr. Walker responded that the concept was brought forth by one group; however, the presentation was believed to be unrealistic because it involved an attempt to exchange this property for like properties.

- 3.2.9 Mayor Cullimore recognized that the task performed by the committee was challenging and commended them for their well thought out and valuable recommendations. Going forward, the intent would be to put the matter on a work session agenda for discussion and determine the appropriate course to take.

### 3.3 **Standing Monthly Reports**

#### 3.3.1 **Finance Report – Director Steve Fawcett**

- 3.3.1.1 Mr. Fawcett presented the monthly finance report. He reported that the budget is on track and the departments are spending within their appropriations. The city recently received the sales tax information for January, which was down from the prior year. Mr. Fawcett reported that transient room tax collections are not a large part of the budget but have substantially been under collected. Building permit collections are also under budget. Alternatively, fines and forfeitures are over budget. Staff planned to perform a full analysis and evaluate which businesses generate sales taxes.

#### 3.3.2 **Unified Fire Report – Assistant Chief Mike Watson**

- 3.3.2.1 Assistant Chief Mike Watson was excused. Battalion Chief Brad Lynn gave the fire report and presented the five-year trend on the number of fire and medical calls. He reported that there was a 7% increase in fire calls from 2009. There were 125 combined ALS calls with 74 transports for both stations. The total BLS calls for both stations was 46 with 26 transports.

Car safety statistics show that 80% of automobile accidents take place 20 minutes or less from a person's home; 73% of automobile accidents occur between 10:00 a.m. and 8:00 p.m.; 50% of all accidents take place at speeds of less than 45 mph; and motor vehicle accidents are still the leading cause of death for children in the U.S.

Battalion Chief Lynn reported that Station 116 did CPR training for 130 Brighton High School students and 88 Canyon View Elementary First Graders. They also participated in a five-day multi-company drill and performed litter and graffiti patrol at Golden Hills and Bi-Water Parks.

#### 4.0 **ACTION ITEMS**

##### 4.1 **Consideration of Resolution No. 2010-13 Establishing and Promoting a Child-Safe Community Standard.**

4.1.1 Mayor Cullimore reported that the resolution primarily targets a desire on the part of the city to establish that the public display of sexually explicit materials is not appropriate.

4.1.2 **MOTION:** Councilman Thomas moved to approve Resolution Number 2010-13. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

##### 4.2 **Consideration of Resolution No. 2010-14 Approving a Contract with Custom Events for Butlerville Days.**

4.2.1 Mayor Cullimore reported that the above resolution approves a contract with the company that provides the inflatable rides for Butlerville Days. Insurance issues were discussed and it was clarified that the city requires its suppliers provide insurance. In this case the operator provides a \$1 million policy that will serve as the primary insurance. The city's own policy will provide the secondary insurance as a supplement.

4.2.2 **MOTION:** Councilman Bracken moved to approve Resolution Number 2010-14. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

##### 4.3 **Consideration of Resolution No. 2010-15 Appointing Dave Muir as Treasurer and Financial Reporting Manager.**

4.3.1 **MOTION:** Councilman Thomas moved to approve Resolution Number 2010-15. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

##### 4.4 **Consideration of Resolution No. 2010-16 Appointing Steve Fawcett as Budget Officer.**

4.4.1 **MOTION:** Councilwoman Omer moved to approve Resolution Number 2010-16. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

##### 4.5 **Consideration of Resolution No. 2010-17 Approving a Public Works Feasibility Consulting Agreement.**

4.5.1 Mayor Cullimore said that an RFP was published for a feasibility study on the establishment of a public works department. The mayor clarified that the proposed resolution approves an agreement with a consultant who will perform the study.

4.5.2 **MOTION:** Councilman Bracken moved to approve Resolution Number 2010-17. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

##### 4.6 **Consideration of Resolution No. 2010-18 Approving Regional Growth Principles.**

4.6.1 Mayor Cullimore explained that the purpose of the resolution is to adopt the regional growth principles, which will become guiding principles in the planning process.

4.6.2 **MOTION:** Councilman Thomas moved to approve Resolution Number 2010-18. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote.

4.7 **Consideration of Resolution No. 2010-19 Approving a Contract for a Financial Advisor.**

4.7.1 Mayor Cullimore stated that cities often require the services of a financial advisor. The proposed resolution approves the contract and will include the task of assisting with the analysis of whether to lease or purchase police cars in the next fiscal year. It was noted that the cost for the firm's services in the matter would be less than \$1,000.

4.7.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2010-19. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

5.0 **ADMINISTRATION OF OATH OF OFFICE TO STEVE FAWCETT AND DAVE MUIR**

5.1 Deputy City Recorder Kory Solorio administered the oath of office to Mr. Fawcett and Mr. Muir.

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

6.1 **MOTION:** Councilman Tyler moved to adjourn. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote. The business meeting adjourned at 8:37 p.m.