

MINUTES OF THE CITY COUNCIL MEETING HELD AUGUST 28, 2007, AT 7:05 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 Attorney Shane Topham, Deputy City Manager Kevin Smith, Planning Director Michael Black

EXCUSED: City Manager Liane Stillman

OTHERS PRESENT: Brian Allen, Robby Russo, Dan Bartlett, Paul Brenneman, Mike Watson, Corbett Ford, Joe Scott, Larry & Beverly Jensen, Lisa Holten, Jonathon Sabin, Paul Suitor, Ted Smith, Tyler Dallas, Bob Good, Tom & Raelynn Swenson, Bob & Suzana Brown, Jerry Fenn, Jim Berry, Steven Hallmark, K. Cavicchio, Brad Barlage, Gary Cannon, Alma Thomas, Beth Brown, Lloyd Sleight

1.0 **WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Cullimore opened the business meeting at 7:10 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Lloyd Sleight, Troop #1337, Brighton Point Ward.

1.3 Mayor Cullimore recognized Representative Karen Morgan.

2.0 **CITIZEN COMMENTS**

2.1 Ted Smith stated that he is a retiree of Qwest, and now does legal work for them. He supported the formation of the City because he believes government that is closest to the people is the best kind of government. He expressed opposition to any scheme by which bonds would be sold to support a competitive telephone/cable company; the pledging of tax revenues or any kind of financing scheme that would put tax dollars for that type of venture. He would oppose the City being a non-pledging member of UTOPIA. He believes this is a solution in search of a problem.

3.0 **REPORTS/PRESENTATIONS**

3.1 **Unified Fire Report**

3.1.1 Chief Watson reviewed the statistics for the month of July 2007. There were 169 medical calls compared to 164 the previous year and 119 fire calls compared to 121 last year. Chief Watson discussed the Fire Operations Center that is being established in the Emergency Operations Center and is now being tested, and programs implemented so that the activation of the center is standardized.

3.1.2 Chief Watson reviewed the customer service message for Station 110 and Station 116.

3.2 **July Financial Report**

3.2.1 Finance Director David Muir reviewed the July financial report. He stated that the report is for the first fiscal month of the new year. It is brief and straight-forward and is a representation of

the budget for the year. Mr. Muir said he received the sales tax report for the past fiscal year which was approximately \$500,000 for the month of June. The City will start receiving revenues quarterly from tickets that are sent through the Holladay Justice Court.

3.4 **Public Works Report**

- 3.4.1 Deputy City Manager Kevin Smith reviewed current public works projects. He noted that the chip seal in front of the high school was finished and will be stripped within the week, and the Ridge Crest Elementary sidewalk project is almost complete. Mr. Smith reviewed the trip hazard mitigation contract which is almost complete for this year.

The proposed dog park is moving forward. There is a meeting being held tomorrow evening with neighbors that live in the Oakledge area to review the design of the park. A public meeting will be held before the City Council on October 30th to receive comments on the dog park.

Additional information on the current public works projects is available in the monthly printed report.

4.0 **ACTION ITEMS**

4.1 **Consideration of Ordinance No. 98 Rezoning Approximately .89 acre of property located at 3200 East Bengal Blvd. from R-1-8 to R-2-8 and Amending the Zoning Map (A/K/A Joseph Scott Zone Change)**

- 4.1.1 Associate Planner Glenn Symes reviewed the subject property stating that the request from the applicant is to change the zone from R-1-8 to R-2-8. The General Plan for the subject property is Medium Density Residential which allows for the R-2-8 zoning. He stated that Staff and the Planning Commission are recommending approval of the proposed zone change.
- 4.1.2 Joseph Scott, applicant, stated that the property faces Bengal Blvd., and does not believe it is feasible to build single-family residences facing such a busy street. The proposal is to construct three to four twin homes on the property. There will be professional landscaping and a condominium association so that the landscaping is professionally maintained. He believes the buildings will enhance the neighborhood and is planning on living in one of the units.
- 4.1.3 Raelynn Swenson, 7812 Titian Way, said that there are numerous single-family dwellings facing Bengal Blvd. She is concerned about the change to R-2-8 because the residents in the area feel that once the contractor gets the rezoning, there is no ability by neighboring owners to put restrictions on what is built. She said that the picture the Council received is just a picture and anything can happen.
- 4.1.4 Brad Barlage, 3274 Bengal Blvd., said he is against the zoning change because he does not want to live next to duplexes. He said that the City should not consider changing the zoning because 180 citizens have told the Council they don't want it changed and because it could end up like Chadbourne, which is a blighted area. He said that there are plenty of duplexes in Cottonwood Heights and questioned why the City would want more. He told the Council he hopes that they choose the community over the dollar.

- 4.1.5 Suzanne Brown, said she would like to communicate the outrage felt by a segment of the neighborhood in regards to the cavalier way the Planning Commission handled the grass roots opposition to the proposed zone change. She said that people elected the Council to represent them and to protect them from developers. She collected over 180 signatures from residents that do not want the multi-unit dwellings and urged the Council to vote no on the rezoning.
- 4.1.6 Katie Cavicchio, 3274 Bengal Blvd., said that from the five meetings she has attended regarding this issue it seems unfair to change the zoning in this area to appease one property developer, when 180 residents are asking it not be changed. She asked the Council to consider what the residents are saying.
- 4.1.7 Paul Sutor, 7728 Mountain Estates, said he likes Mr. Scott's plan and that it will improve the appearance of the area and increase the property values. He expressed concern about the R-2-8 zoning, because there is nothing to hold Mr. Scott to selling the property or renting out the duplexes. If it is built the way his pictures show, it would be acceptable, but he does not want another Chadbourne.
- 4.1.8 Representative Karen Morgan, expressed support for the citizens that are opposed to the rezoning of the subject property. Originally the master plan showed the property on Bengal Blvd. as R-1 and the vast majority of properties are single family residences zoned R-1. Many years ago the property was zoned R-2 and that is why many of the properties on the eastern part of Bengal Blvd are duplexes. The County came in and changed the zoning in order to preserve the community in this area and feels like this proposed rezone is a step backward. Representative Morgan asked the Council to respect the views of the residents and to vote no.
- 4.1.9 Jonathan Sabin, said that he owns the property to the east of the subject property. He said that if the plan as presented is built, it would add to the area. However, if the housing market continues to drop, there are no guarantees the applicant will build what he has shown. He encouraged the Council to vote no.
- 4.1.10 Bob Brown, stated he is in opposition to the rezone of the property because the residents have no control over this matter. He said that the Council should consider a variance and have PUD zoning so that there can be more of a guarantee for the kind of project the neighbors want.
- 4.1.11 Councilman Jones said that the comments have been articulate and intelligent. He noted that this is an issue between the views of a number of residents who say there are too many twin homes versus an individual's property right who says there are not too many twin homes. He stated that it does not appear that the opposition is to the notion of twin homes, but the lack of control to make sure what is built is what is represented.
- 4.1.12 Councilman Antczak said that what is being proposed is appealing and would be an upgrade to the area.
- Councilman Thomas agreed that this is a difficult question to have to decide .
- 4.1.13 Mayor Cullimore said that many in attendance are saying that they have elected the Mayor and Council to represent them and they should vote the way they want them to. He expressed concern that the precedent that is set by allowing 180 people to dictate what someone does with their

property is a dangerous precedent. None of those in attendance would want their neighbors to tell them what they can or can't do with their own property. This situation is about balancing and respecting personal property rights against what the impact might be to the neighborhood and making sure that there is no harm to the health, safety or welfare of the neighborhood.

4.1.14 Councilman Antczak said he has seen everyone in the room move in and destroy his lifestyle, but have enhanced his life. He grew up when it was wide open spaces, but would not change it. He believes people should have the right to develop their property as long as it is not harmful to those around it.

4.1.15 Mayor Cullimore said that the City does not know what will happen, but because of the concerns and involvement of the residents there will be an attitude on the part of the City to ensure that something close to the drawings that were submitted is developed. He stated the City can only do certain things to ensure that, but will try to do so by working with the developer.

4.1.16 **MOTION:** Councilman Jones moved to approve Ordinance No. 98 rezoning .99 acres of property located at 3200 East Bengal Blvd. from R-1-8 to R-2-8. The motion was seconded by Councilman Antczak and passed on a roll call vote of 3-2 with Councilman Thomas and Councilman Bracken voting no.

4.2 **Consideration of Ordinance No. 99 Rezoning Approximately .89 acre of property located at 6723 South 1300 East from Office, Research and Development (ORD) to Neighborhood Commercial (NC) and Amending the Zoning Map, (A/K/A Gary Cannon Zone Change)**

4.2.1 Associate Planner Glenn Symes reviewed the subject property which is proposed to be rezoned from Office, Research and Development to Neighborhood Commercial which is in compliance with the General Plan. The Staff and Planning Commission recommend approval of the proposed rezone.

4.2.2 **MOTION:** Councilman Antczak moved to approve Ordinance No. 99 rezoning .89 acre of property from Office, Research and Development to Neighborhood Commercial. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

4.3 **Consideration of Resolution No. 07-36 Approving Entry into an Interlocal Agreement with Sandy City for Animal Shelter Services**

4.3.1 **MOTION:** Councilman Antczak moved to approve Resolution No. 07-36 entering into an agreement with Sandy City for Animal Shelter Services. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

5.0 **CONSENT CALENDAR**

5.1 **Approval of August 14, 2007 Minutes**

5.1.1 The August 14, 2007 minutes were approved as submitted.

6.0 **ADJOURNMENT**

- 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 8:52 p.m.