

MINUTES OF THE CITY COUNCIL MEETING HELD OCTOBER 24, 2006, AT 6:00 P.M., IN THE  
COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER

MEMBERS PRESENT: Mayor Pro Tem Bruce Jones, Councilman Don Antczak, Councilman  
Scott Bracken, Councilman Gordon Thomas

EXCUSED: Mayor Kelvyn Cullimore

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, Deputy City  
Manager Kevin Smith, City Treasurer Gary Harmer, Finance Director  
David Muir, Business License Administrator Kory Solorio, Public  
Relations Specialist Robert Warnick

OTHERS PRESENT: Mike Watson, Robby Russo, Corbett Ford, Larry & Bev Jensen, Ron  
Fullmer, Susie Becker, Matt Jarman, Cleve Jenkins, Jim & Kim Stojack,  
Owen Christensen

**1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Pro Tem Jones opened the meeting at 6:08 p.m. and welcomed those in attendance.

1.2 Councilman Bracken introduced DJ Christensen, in attendance to represent the Youth City  
Council.

1.2 The Pledge of Allegiance was led by Councilman Antczak.

**2.0 PUBLIC HEARING**

**2.1 Public Hearing on Proposed Business License Fee**

2.1.1 Mayor Pro Tem Jones explained that by law, the City is required to do a study that assesses the  
cost to the City of providing services to businesses. A handout was distributed that provides the  
cost information from the study. He explained that there are a number of factors that are  
considered when assessing a business license fee including the cost to the City of providing  
services. The purpose of the hearing tonight is to obtain public comment and discussion as to the  
results of the study.

2.1.2 Deputy City Manager Kevin Smith clarified that the discussion tonight is on the disproportionate  
fees. Business license costs include an administrative fee of \$120 for renewal, which will not be  
changed at this time.

2.1.3 Susie Becker, Lewis Young Robertson and Burningham, explained that there are two parts of  
disproportionate fees, basic regulatory fees and calls for service. Certain types of businesses  
require more inspections and more visits from the fire department and sheriff's office throughout  
the year, such as a pawn shop, daycares, businesses with alcohol, etc. Those visits can be  
scheduled, with the time and cost of the visit being known. The regulatory fee for those required  
visits are added onto the \$120 renewal fee. In addition, there are calls for service that are  
unexpected and unscheduled when the services of the fire department and sheriff's office are  
needed. Certain types of businesses make more calls for service than others and Utah law allows  
that businesses that require a disproportionate level of service can be charged additional business  
license fees. Ms. Becker reviewed the businesses that are generally affected and the process of

figuring the disproportionate costs. The cost for calls for service from the fire department is \$265 and for the sheriff's department is \$144.

Ms. Becker said that the report that was distributed shows the maximum costs the City could charge. However, there are other factors the City will consider as they make a decision such as the fact there is one year of data, economic development, the number of businesses per category, and the fees of surrounding cities, to name a few.

2.1.4 Mayor Pro Tem Jones opened the public hearing.

2.1.5 Jim Stojack, owner of Canyon Inn, said that the list of calls to the Sheriff shows 32.67 calls from his business and questioned whether those calls are from customers, the establishment, or who. He said that if his license fee is raised to \$4,700 he will be legislated out of business and if fees continue to be increased more people will be pushed out of business. Mr. Stojack noted that he keeps a log of calls to the Sheriff's office and he has only called seven times in the last year. He said that if the calls listed in the report affect his costs and penalize him, there needs to be further study.

2.1.6 Matt Jarman, consultant, said that the approach used to determine the number of calls to any business is through a GIS system. Each address is located on a map, and then the data from UFA and the Salt Lake County Sheriff are located on the map. The data was queried asking for all of the calls that were in the identical address as the business and any call identical to that address is shown as a call to that location. He said that the calls could be from the parking lot, vehicle burglaries, domestic incidences outside, etc.

Mayor Pro Tem said the point being raised is whether the City should consider whether a business establishment should be responsible for calls made by others.

2.1.7 Marsha Gilford, Smiths Food and Drug, said that the total business license fees in 2006 were \$2,274 and the proposed rate would be almost \$7,000 which triples the cost of their business license.

2.1.8 Mike Wagstaff, Bengal Blvd. Holiday Oil, said that in his business they have gone to a prepay system which reduces the calls to the sheriff's department. He said that because of lack of service in some areas, Holiday Oil has hired their own private investigator to deal with shoplifting and employee theft. Mr. Wagstaff said the stations in certain locations have more calls many times than the Bengal Blvd. station and does not believe that comparing a Cottonwood Heights business to another city is a fair representation.

2.1.9 Owen Christensen, Canyon Creek Assisted Living, said that each resident in the assisted living facility is considered as living in their own apartment. He said that residents are responsible for the calls they make and does not believe it is fair to lump all the calls from the building together.

2.1.10 City Manager Liane Stillman said that Staff is hoping to have a proposal to the City Council for discussion at the November 7<sup>th</sup> work session. Following that discussion the City will send a letter to the affected businesses showing the proposed fees. The Council will then decide whether to adopt the fee schedule at the November 14<sup>th</sup> meeting or wait until after Thanksgiving.

2.1.11 Mayor Pro Tem Jones closed the public hearing.

### 3.0 CITIZEN COMMENTS

- 3.1 Rick Gleason, 1710 East Siesta Drive, explained that he is doing two charity events for the Meadows community and is working with the planning committee for the Mayor and City Manager. He stated that the Mayor suggested he get to know the Council so that he could get their help on the charity event. The event will be held in his front yard on December 13<sup>th</sup> from 8:00 p.m. – 11:00 p.m. His projected goal is to raise \$1.5 million. He can be reached at 733-9619.

### 4.0 ACTION ITEMS

#### 4.1 **Consideration of Resolution No. 2006-43 Approving an Interlocal Agreement with Midvale City for Street Maintenance and Repairs (Union Park Avenue Overlay)**

- 4.1.1 City Attorney Shane Topham explained that this Resolution would approve an Interlocal agreement with Midvale City. A portion of Union Park Avenue constitutes the common boundary between Midvale and Cottonwood Heights. Both cities own to the center of the roadway and it was determined to be most efficient and cost effective for the road work to be done by one contract between Midvale and the contractor. Cottonwood Heights is then to reimburse Midvale for half of the cost.

- 4.1.2 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-43. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

### 5.0 REPORTS

#### 5.1 **Unified Fire Authority Report – Chief Watson**

- 5.1.1 Chief Mike Watson presented the September 2006 fire report. There were 189 medical calls this September compared to 184 last year; and 68 fire calls compared to 77 calls last year. He noted that August was the month where there was the most variance from the previous year. Chief Watson reviewed the safety message for September. He said that people need to think about having furnaces inspected and noted that by the winter of 2008 all furnaces will be required to have a green sticker. He said that they are asking people not to let their children trick-or-treat alone and recommended that they have flashlights and masks that do not obscure vision. He cautioned motorists to watch carefully for the children. He reminded everyone to change the batteries in their smoke detectors with the change in daylight savings time.
- 5.1.2 Chief Watson reviewed the customer service message for Station 110 and Station 116. He said that there was a small house fire on Meadow Drive which was put out quickly. The residents evacuated the home, and a teenager that was there ran home, returned with a fire extinguisher and put the fire out by the time the fire crew arrived. Chief Watson will provide the City Manager with additional information on the teen. He was commended by the UFA for his actions.

### 6.0 CONSENT CALENDAR

#### 6.1 **Approval of September 12, September 26, and October 10, 2006 Minutes**

- 6.1.1 The minutes were approved as amended.

7.0     **ADJOURN**

- 7.1     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 7:08 p.m.

**Approved: 11-14-06**

---

Kelvyn Cullimore, Jr., Mayor

---

Don Antczak, Councilman

---

Scott Bracken, Councilman

---

Bruce Jones, Councilman

---

Gordon Thomas, Councilman