

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD  
TUESDAY, JUNE 8, 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 Tee Tyler

**Staff Present:** Public Works Director Michael Allen, City Attorney Shane Topham, Youth City Council Member Serena \_\_\_\_\_, Sergeant Chris Gephardt

**Excused:** Councilman Gordon Thomas

**1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those attending. He excused Councilman Thomas who is travelling.

1.2 The Pledge of Allegiance was led by Councilwoman Omer.

**2.0 CITIZEN COMMENTS**

2.1 Ron Fullmer talked about the recent flooding and stated that a great deal of money was spent on repairs by the county and the state. He commended the police, fire, and public works departments for their efforts as well as city leaders for having the foresight to manage the emergency and make it less disastrous. He congratulated the city for taking the necessary steps and for being prepared.

2.2 Megan Collins commented on the catch basin known as Spencer's Pond and stated that she has enjoyed the area for many years with her dogs. She recently discovered that as of July 1<sup>st</sup> tickets will be issued to owners who allow their dogs to be off leash. She remarked that currently there are no areas in the city where dogs can be off leash and proposed installing a fence along the walking path to separate pedestrians from dogs. She explained that the pond is most heavily used by owners and their dogs during the months of April, May, and June.

Mayor Cullimore stated that prior to the city being incorporated; dogs were always required to be on leash and that the county has a shortage of areas where dogs can be off leash

2.3 Will McCarvill, President of CH Voters, expressed concerns regarding planning and zoning. Mr. McCarvill read a letter into the public record. CH Voters is concerned that the City seems to be progressing toward zoning for 12-story buildings prior to creating a master plan for the gravel pit and rezoning the Tavaci property prior to establishing an equivalent to the Salt Lake County Foothills and Canyons Overlay Zone (FCOZ). They believe the necessary changes must be in place before the city expends resources to create new zones. The group believes that the proposed type of development will set a dangerous precedent for renewed foothill parcels and is counter to the recommendations of the Citizen Advisory Committee. Mr. McCarvill was informed that the council is in the process of forming a Cottonwood Heights Sensitive Lands Review Committee. Mr. McCarvill was pleased about that but commented that historically, sensitive lands

overlays meant geophysical hazards. The FCOZ is more focused on the building, planning and zoning, building heights, colors, etc. The mayor took issue with a statement in the letter that he believed to be inaccurate indicating that more intensive development will set a dangerous precedent and is counter to the recommendation of the Citizen Advisory Committee. He clarified that the committee recommended two options; 43 homes or a residential single-family development equivalent to R-1-8. Mr. McCarvill interpreted the recommendation to involve an R-1-10, which translates to about 100 units with the bonus.

2.4 Claire Guess (sp?), indicated that she has lived in the city for over 35 years and has experience working on Capitol Hill with different citizen watchdog organizations. She attended a recent meeting and was surprised by the anger expressed toward the citizens for trying to organize. She wished instead that that anger had been directed more productively. She was concerned that the developer was trying to sneak the development in through the backdoor. Ms. Guess had spoken to many in the community who are outraged and she expected future projects to be scrutinized heavily. Ms. Guess expressed outrage at the process.

2.5 Long-time resident Bob Jacobson, expressed appreciation to the council for their time and effort. He referred to the citizens' report, which claims that the committee is stuck between two recommendations. The first was to let the development proceed under current zoning with an approved plan and limit density to 43 single-family homes. A second option was to allow a rezone to an existing residential zone that allows for density no higher than R-1-10. Mayor Cullimore stated that within three weeks of the report, the city received a letter from nine of the 13 committee members restating the paragraph to refer to R-1-8 rather than R-1-10. Mr. Jacobson also claimed that the report allows up to 100 lots. The mayor stated that that portion of the report is incorrect and was part of the clarification provided by the committee.

## **REPORTS/PRESENTATIONS**

### **Administration of Oath of Office to Reserve Police Officer, Fred Louis.**

3.1.1 The above matter was postponed to the next meeting.

### **Declaration of a State of Emergency Relative to Flooding on Cottonwood Creek – Mayor Cullimore.**

3.2.1 The mayor reported that the previous Saturday a rise was seen in the flow of Little Cottonwood Creek. The triggering event was described, which resulted in flooding. An emergency plan was activated and hundreds of volunteers were recruited to help. A state of emergency was declared, which is required to seek reimbursement or resources from the next level of government. Sandbagging was done from Highland Drive to Union Park Avenue where sandbags were placed two to three feet high on either side of the creek. The mayor commended the Police and Fire Departments and volunteers for their efforts. Because of their actions, damage within the city limits was minimal.

## **STANDING MONTHLY REPORTS**

### **4.1 1. May Police Report – Sgt. Chris Gephardt.**

4.1.1 Sgt. Chris Gephardt presented the May Police Report and stated that due to May being uncharacteristically cold; a decrease in crime was seen. In May 2009, the city received the

highest number of phone calls to VECC. He reported that the number of priority 2 and 3 calls were extremely low and involve crimes in progress against property.

4.1.2 Sgt. Gephardt reported on response times and stated that they typically improve as the volume of calls decreases. An increase in response times was seen although he was concerned with the increase in Priority 1 calls. Efforts were being made to get response times to five minutes.

4.1.3 Sgt. Gephardt reported that in the past 18 months, the city was only outside the standard deviation of crimes six times. The citation ratio was presented, which was slightly higher than the previous year. Sgt. Gephardt reported that the chief put out a memo regarding performance measures and directed officers to issue a minimum of three citations in a one week period.

4.1.4 Sgt. Gephardt indicated that there was a slight increase in DUIs while the number of traffic accidents decreased. Property and evidence practices were discussed.

## **4.2 2. Monthly Public Works Report – Public Works Director Michael Allen.**

4.2.1 Public Works Director, Michael Allen, reported that flooding has been the biggest issue dealt with in the last few days. Staff is primarily now looking for erosion. The public was encouraged to stay away from the edge of banks. Debris was also of concern since it can slow the flow of water or, in the event it breaks free, cause the water level to rise. Staff was in the process of cleaning out debris basins around the clock. Most recently, the water level was down 16 to 18 inches from its high point the previous day.

4.2.2 Mr. Allen reported that the Fort Union pavement project is underway. Details of the project were discussed.

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Ordinance No. 155 Repealing and Re-Enacting Chapter 9.65, Cottonwood Heights Code of Ordinances, Entitled “International Fire Code”.**

5.1.1 Mayor Cullimore explained that the proposed ordinance updates the International Fire Code and brings it into compliance with recently passed legislation which requires it be adopted before July 1, 2010.

5.1.2 **MOTION:** Councilman Tyler moved to approve Ordinance No. 155. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

### **5.2 Consideration of Resolution No. 2010-37 Approving an Agreement for Building Services with Sunrise Engineering.**

5.2.1 Mayor Cullimore explained to those in attendance that the City contracts with Sunrise Engineering for building services and this Resolution renews that contract.

5.2.2 **MOTION:** Councilman Bracken moved to approve Resolution Number 2010-37. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote.

5.3     **Consideration of Resolution No. 2010-38 Approving a Lease Agreement with NuTERRA.**

5.3.1   Mayor Cullimore explained that the proposed Resolution extends the City's office space for three years, increases the square footage by 4,000 square feet and reduces the rent to \$2,000 per month.

5.3.2   **MOTION:** Councilwoman Omer moved to approve Resolution Number 2010-38. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

6.0     **CONSENT CALENDAR**

6.1     **Approval of May 25, 2010 Minutes**

6.1.1   The May 25, 2010 minutes were approved.

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

7.1     **MOTION:** Mayor Cullimore moved to adjourn. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote. The business meeting adjourned at 8:21 p.m.