

MINUTES OF THE CITY COUNCIL MEETING HELD JUNE 21, 2005, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS.

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, City Treasurer Gary Harmer, Community Development Director Kevin Smith, City Engineer Brad Gilson, City Recorder Linda Dunlavy

OTHERS PRESENT: Ron Fullmer, Robby Russo, Fern Baird, Tom Bowen, Gordon Nicholls, Doug Shelby, Gary Kirshaw

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WELCOME/PLEDGE

Mayor Cullimore opened the meeting at 7:09 p.m. and welcomed those attending.

The pledge of allegiance was led by Councilman Bracken

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PUBLIC HEARINGS

2.1 Consideration of an amendment to the current budget and adoption of a budget for the period of 1 July 2005 through 30 June 2006

2.1.1 City Treasurer Gary Harmer stated that the budget has been changed to reflect an increase in budgeted revenue for sales tax and changes in contracts for police and fire protection due to the restructuring of the contracts. The General Fund budget is approximately \$9 million and reflects the policy to live within the constraints of limited resources available during this transition year.

2.1.2 Mayor Cullimore noted that the public hearing also includes changes to the FY2005 budget and explained the process of the development of the initial budget.

2.1.4 Mayor Cullimore opened the public hearing.

2.1.5 Gary Kershaw, Highland Drive, asked if the City eventually receives the total 6.6% sales tax, or whether the County gets a percentage of that money.

Mr. Harmer said that the City gets approximately 1.5% of the sales tax. The sales tax distribution formula is based on point of sale and on population.

2.1.6 Ron Fullmer, said that 4.5 percent of the sales tax goes to the State and the rest is distributed on population and point of sale.

2.1.7 Mayor Cullimore said the County made a decision this afternoon to appropriate \$2.5 million to Cottonwood Heights in recognition of municipal service fund payments that have been made in the past, and which can be used for the acquisition of public property such as a closed school.

They have also agreed to reimburse the City \$500,000 for fire protection expense for the Canyons and unincorporated areas paid by the residents of Cottonwood Heights. They are also forgiving incorporation costs incurred by the County in the amount of approximately \$100,000. The City is negotiating the final terms of a \$2.5 million loan as part of the funding package that should be approved in a formal agreement in the coming weeks.

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2.1.8 There being no further comments from the public, Mayor Cullimore closed the public hearing.

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2.2. **Consideration of an amended compensation schedule for elective and statutory officers.**

2.2.1 Mayor Cullimore explained that the compensation schedule sets forth the compensation for the elected officials and appointed officers of the City. The schedule is identical to the prior schedule adopted for the 2005 fiscal year with some minor exceptions. The new schedule includes payment of a retirement benefit for elected officials equal to approximately 11% of their pay. This should have been included in the original schedule but was overlooked. The compensation for the City Treasurer/Budget Officer was increased over the previous schedule to reflect additional hours that are required in that position.

2.2.2 City Attorney Shane Topham stated that the new schedule also reflects several clarifications to the City Manager's contract including a City provided cell phone, car allowance, approval of attendance and travel to the annual Manager's Conference, and either insurance benefits or the amount saved by the City in insurance benefits put into a retirement program. Mayor Cullimore thanked City Manager Liane Stillman who was promised these benefits from the beginning of her employment but the benefits were inadvertently omitted from the 2005 schedule. Instead of amending the prior schedule, Ms. Stillman agreed to wait until the approval of the 2006 schedule to make these corrections.

2.2.3 Mayor Cullimore opened the public hearing. No comments were received.

3.0 **BUDGETARY MATTERS**

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3.1 **Ordinance No. 23 Establishing an Amended Compensation Schedule for Elective and Statutory Officers**

3.1.1 Councilman Antczak moved to approve Ordinance No. 23 establishing an amended compensation schedule for elected and statutory officers. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

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3.2 **Resolution No. 2005-50 adopting an amended budget for the period ending 30 June 2005 and adopting a budget for the period of 1 July 2005 through 30 June 2006.**

3.2.1 Councilman Thomas moved to adopt Resolution No. 2005-50 adopting an amended budget for 2005 and a budget for the period of July 1, 2005 through June 30, 2006. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

- 3.2.2 The City Manager noted that there were no increases in pay with the exception of the previously mentioned salary adjustment for the City Treasurer/Budget Officer. All employees were told their salaries would remain constant through June 2006.

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4.0 **PUBLIC COMMENTS**

- 4.1 No public comments were received.

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5.0 **PLANNING/PUBLIC WORKS MATTERS**

5.1 **Recommendation from the Planning Commission concerning the General Plan for the City**

- 5.1.1 Kevin Smith, Community Development Director, explained that the Planning Commission is making a recommendation to the Council on the General Plan and the updated plan will be online by Friday.

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- 5.1.2 Gordon Nicholl, Planning Commission Vice Chair, explained that the General Plan was reviewed and public comment received by the Planning Commission at two public hearings. He said that the consultant has been very cooperative in amending the General Plan to fit the vision of the Planning Commission. The Planning Commission reviewed the draft last Wednesday, made minor changes, and voted to recommend the General Plan to the City Council with the amendments that were added at that meeting.

- 5.1.3 Tom Bowen, Planning Commission Chair, said the Commission recognized the time constraints and believes that this is the best document they could forward under the circumstances, and recognize that in the future there will be minor adjustments. He said the Planning Commission feels very comfortable with the plan and have tried to incorporate the views of the citizens based on the comments from the public hearings.

- 5.1.4 Mayor Cullimore explained that the General Plan is a guide and the zoning ordinances will be law. The proposed zoning ordinances are being reviewed at the present time and there will be a public hearing tomorrow night before the Planning Commission on zoning ordinances. The City Council will hold a public hearing on the General Plan June 28th at Butler Middle School and adopt the General Plan on July 12th.

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- 5.1.5 Ron Fullmer said there seemed to be a tone of 'New York row housing' on Fort Union Blvd. and felt it was undesirable.

Mr. Nichols stated that the language has been softened and the current tone and feel of the General Plan has changed from the original document.

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- 5.1.6 City Manager Liane Stillman said that the cost for the General Plan was \$100,000 and was paid for by Community Development Block Grant funding which is a federal program with limited uses. The City would still like to add an economic component to the general plan as soon as possible.

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- 5.1.7 Doug Shelby, Walker Development, asked when the transportation study would start.

Ms. Stillman said the City has expanded the transportation portion of the General Plan and will do a comprehensive study. J-U-B Engineering has been engaged to do a three month study that will include an analysis of roads, bridges, sidewalks, curb/gutters, and street lighting. She explained that a policy cannot be established until the City has a better understanding of the condition of the City's capital assets and what priority would be recommended by the consultant. The consultant will also do an analysis of an impact fee for the City Council to consider.

Mr. Shelby asked if zoning will be changed on parcels as part of the General Plan.

Mr. Smith said that the General Plan includes a reclassification which takes the 40+ zones the County had and combines them into 15-20 zones. However, there are only a few parcels that are being considered for zoning changes that would change their use from the current zoning by the County.

Mr. Shelby said that A.J. Dean and Walker Development are the only F zones in the County and Walker development may be the only S-1-G zone in the City. He said it seems that the City should drop one of those classifications.

Mayor Cullimore said the City has identified three large property owners in the City whose properties fall into unique categories. The City will sit down with these owners and get their feedback. He indicated that Mr. Shelby's property was one of the three.

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- 5.2 **Resolution No. 2005-52 approving an Agreement with Salt Lake County for Public Works Services**

- 5.2.1 This item was postponed to a future meeting.

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- 5.3 **Resolution No. 2005-53 approving an Amendment to an Agreement with Salt Lake County for Planning and Development Services**

- 5.3.1 Mayor Cullimore explained that at the time Cottonwood Heights became a city there were many projects that had already started with Salt Lake County. It was the City's choice to leave certain projects with the County and take others under the City's jurisdiction. In order for the County to continue work on those projects an amendment to the Planning and Development Services Agreement is needed.

- 5.3.2 **MOTION:** Councilman Jones moved to approve Resolution No. 2005-53 approving an Amendment to an Agreement with Salt Lake County for Planning and Development Services. The motion was second by Councilman Thomas and passed unanimously on a voice vote.

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OTHER MATTERS

6.1 Proclamation No. 2005-06 – Butlerville Days

- 6.1.1 This item was postponed to the next business meeting.
- 6.1.2 Verl Shell suggested the name be Fort Union Days instead of Butlerville Days. The Mayor indicated that the name could not be changed this year, but the recommendation would be considered in future years.

6.2 Ordinance No. 21 amending Title 14 (Highways, Sidewalks and Public Places) of the Cottonwood Heights Code of Ordinances to include Chapter 14.60, Park and Playground Use Regulations

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- 6.2.1 City Attorney Shane Topham explained that the purpose of this ordinance is to amend Title 14 which deals with the public property in the City. The new chapter provides for rules and regulations for use of parks and playgrounds. Even though the City does not own any parks at this time, they are public gathering places and the City has an interest in making sure the public peace is kept and appropriate activities conducted. The ordinance disallows the use of alcohol in public parks, prohibits vandalism in the parks, provides closing hours for the parks, and provides that unless posted as an off leash area, dogs are to be kept on a leash.
- 6.2.2 Councilman Antczak said the parks have been under the ordinances of the County and this will take the place of those ordinances.
- 6.2.3 Ron Fullmer urged passage of the proposed ordinance.
- 6.2.4 Verl Shell commented that on Highland Drive from Dan's to the hill, the emergency lane has become a drive lane and then merges back to become an emergency lane. He expressed concern that there needs to be a buffer from the sidewalk area for safety purposes. He urged the City to take a look at pedestrian safety in this area.
- 6.2.5 David Hopper, said the City contracts with the County for law enforcement and asked how the City ordinances will be enforced if they are different from the County ordinances.

Lt. Robby Russo explained that it is not uncommon for a City to have different ordinances within their boundaries from the County ordinances. He explained that the officers assigned to Cottonwood Heights would be properly trained.

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- 6.2.6 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 21. The motion was seconded by Councilman Thomas and passed unanimously on a voice vote.

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7.0 **CONSENT CALENDAR**

7.1 **Approval of June 14, 2005 minutes**

7.1.2 The minutes were approved as amended.

8.0 **CALENDAR OF EVENTS**

8.1 Mayor Cullimore reviewed the upcoming calendar of events

9.0 **ADJOURN TO WORK SESSION**

9.1 Councilman Antczak moved to adjourn to the work session. The motion was seconded by Councilman Jones and passed unanimously on a voice vote. The business meeting adjourned at 8:18 p.m.

Approved: 06-28-2005

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman