

MINUTES OF THE CITY COUNCIL MEETING HELD JULY 10, 2007, AT 7:00 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 Manager Liane Stillman, City Attorney Shane Topham, Deputy City Manager Kevin Smith, Public Relations Specialist Bob Warnick, Planner Glenn Symes

OTHERS PRESENT: Mike Watson, Robby Russo, Heath Lowry, Corbett Ford, Don Machin, Cathy McKittrick, Dale Howells, Senator Pat Jones, Jerri Harwell, Bob Good, Pam Hannan

**1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Cullimore opened the business meeting at 7:00 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Gordon Thomas.

1.3 Mayor Cullimore recognized Youth City Council Mayor Sabha Ul-Hasan.

**2.0 CITIZEN COMMENTS**

2.1 Pam Hannan, told the Council that there are a number of homes in her neighborhood that are falling apart. The residents in the area are concerned about the property on 7061 South 1700 East. The property has been sold, but it is not being developed at this time and there has been an influx of rats. She stated that she has been told the rats are coming from bushes, but they have not noticed rats like this before. She questioned if the rats could be coming from the basement of the vacant house. The weeds are also a concern because of how dry it is.

Councilman Thomas said that the Code Enforcement Officer has had some success in getting the windows boarded and the cars removed.

The Council directed Deputy City Manager Kevin Smith to follow-up with the Code Enforcement officer and report back to the Council next week.

2.2 Dale Howells, commented on the excellent response of the Cottonwood Heights' officers to an accident on 2300 East near his property.

**3.0 REPORTS/PRESENTATIONS**

**3.1 Salt Lake County Sheriff's Report – Detective Ford**

3.1.1 Detective Ford reviewed the statistics for the month of June. There were 1,050 calls for service resulting in 631 cases being generated. Domestic calls and stolen vehicles were down; and robberies and burglaries were up from last month. Reviewing the cross-over logs, Detective Ford said that Cottonwood Heights' deputies responded to Holladay for 8.5 hours; to Millcreek for 15 hours; and to White City for 4.5 hours.

3.1.2 Detective Ford reviewed an auto/pedestrian accident that occurred at 7400 South 2700 East near the Recreation Center, which was caused by the driver texting on a cell phone. The woman that was hit was life-flighted to the hospital with injuries. Detective Ford also reviewed several current cases.

3.1.3 Lt. Russo told the Council that the bike unit is out and patrolling various areas including Crestwood Park. He also noted that the speed trailer is here and currently being used.

#### 4.0 **ACTION ITEM**

#### 4.1 **Consideration of Resolution No. 2007-34 Approving Entry into an Interlocal Agreement for the Purpose of Submitting for Voter Approval a Measure to Create a New School District**

4.1.1 Mayor Cullimore explained that in 2006 the legislature passed HB 77 which opened the door for creating a new school district, and in 2007 passed HB 30 which further clarified the process. Cottonwood Heights joined with Sandy, Midvale, Draper, Alta and unincorporated areas of Salt Lake County to do a feasibility study for the possibility of forming a new district. The study was completed several months ago and a presentation of the study was made to the mayor and council, and to the public. A public hearing was then held June 21, 2007 to invite comments to the City Council regarding this proposal. The Council will consider entry into the interlocal agreement with the other cities and the County, which would approve ballot language for submission to the County so that it could be placed on the ballot in November. It is not the job of the Council to decide whether a district should or should not be formed, but to decide whether to allow the voters to make that decision.

4.1.2 Mayor Cullimore opened the public comment period.

4.1.3 Rolene Young, retired school teacher in the Salt Lake City School District, said she has not read any information that has convinced her that another school district is needed. She would like to see teachers get a raise.

Mayor Cullimore said that the main purpose for looking at a new school district has to do with the size of the Jordan District and the fact that there are significant needs that are different on each side of the district. The west side is growing and the east side is stable, and with limited resources it is difficult to equitably allocate those resources to create equal educational environments for all students. Many parents have been frustrated in dealing with a district as large as Jordan District and a grass roots effort began two years ago.

Ms. Young said there is an east/west click you can see in the kids.

4.1.4 Don Machin, said the amount of money considered in this division is overwhelming. He believes there is so much duplication and the City should do a study to see if one unified district would be better. He said that all citizens in the County should contribute into the development of the schools.

4.1.5 Nicole Bangerter, expressed support for splitting the school district. She believes that teachers need a raise and sometimes bigger groups make for better situations, however, Jordan School District has had a long time to show what they can do with a large district, and have not done a very good job in proving that bigger is better. She stated that at this time Jordan School District has no cap on kindergarten size or any class size for that matter. She stated that there are many policies that exist within the Jordan School District that she does not agree with as a parent and has tried to email the district about it. As a parent and a citizen she wants a stronger voice so the children have a better education.

4.1.6 Jerri Harwell, representing Region 6 PTA, explained that as a PTA they cannot speak to issues on which there is not a resolution and is in attendance to ask questions on the school district issue. She asked how creating a smaller school district impacts the children since they do not know what district they are in. She pointed out that in trying to divide some of their councils, the PTA avoided an east/west split for reasons everyone is aware of, and did a north/south split, and questioned why that has not been considered. She said that historically in the Jordan district the east side schools were built by money from the west side, primarily Kennecott Copper.

Mayor Cullimore stated that is absolutely not true. He explained that the Kennecott property was a centralized assessed property that went to the state. He said that right now the east side is 57% of the tax base which is the lowest it has ever been, and has been as high as 75-80%. The Council has been concerned about the equitable allocation of resources within the district. There is a serious issue with school buildings and needs on the east side that have continued to be delayed and ignored because of the demands for resources on the west side. He said that until there is a division of the school district it will continue to be a battle between equitable allocation of resources to the needs on one part of the district versus the other.

Ms. Harwell said another concern is that Superintendent Newbold has won awards and Jordan School District has won national awards, and questioned what a new school district will have to offer the children.

Mayor Cullimore said it would be a continuation of what has been there before. Jordan has done well as a large school district and deserves the awards they receive, but it does not mean it cannot be improved. Within ten years Jordan School District will be 120,000 students and one representative will represent more than 100,000 people, more than a state senator.

Mayor Cullimore said that testing scores on the east and west side are identical and there is no disparity. If it is divided north and south, there is a disparity with the south side of the district being higher than the north side. He explained that the east/west split allows for a new district without disrupting any feeder system boundaries. There are no studies that show that bigger is better and numerous studies that show that smaller is better. Studies show the ideal size of a district is 25,000-35,000 student range.

Councilman Antczak said the east/west issue keeps coming up and there is no disparity between the two. The reason for the east/west split is that it is the least disruptive if a district is going to be split. He questioned whether Cottonwood Heights was better under a larger

organization or if it is better as a smaller entity. He said the smaller organization can focus on what the problems are; and the larger has to focus on the entire sphere.

Mayor Cullimore noted that the City's lobbyist is working on legislation and the City is supporting a program that would equalize, on a County basis, funding for capital outlay for schools funded on a County-wide basis if not a state-wide basis. He said that this is a question about providing the best educational opportunities for our kids that they can have.

- 4.1.7 Ms. Harwell, speaking as a resident, said that she has enjoyed being a part of the Jordan School District and has always had good communication with them. She said that if she could have the same service locally, it would be good. She said that she has kept an open mind and hopes the Council will allow the residents to vote on this issue.
- 4.1.8 Barbara Morrell, said that she is excited about the chance to vote on this issue because she has always felt that the school district was too big. She said that her bus route was taken away because they could only fund so many bus routes and with the growth to the west. She explained that the school her children attend has no air conditioning, and the children are being tested in hot weather; while the school district has put the school off for remodeling. Ms. Morrell said that Superintendent Newbold has stated that they have thought about busing kids from the west to the east and it is all of these reasons that make her believe it would be good to be able to vote on a district split.
- 4.1.9 Bob Good, stated that the Mayor's response regarding the allocation of resources as a function of student population is the major issue. Expanding the school district to include all of Salt Lake County and then getting distribution of funding for students throughout the County would be a political impossibility. He stated that he is not thrilled with the quality of education in the existing school district which is shown by the students test results. Mr. Good believes a new district should be formed and appropriately distributed in terms of allocations of resources.
- 4.1.10 Dale Howells said that when he went to high school, Jordan School was the only school in the south and Granite was the only school in the north. He questioned where the east/west division comes from, and expressed that he has mixed emotions about it because he will be in Jordan School district. He said that people should have the opportunity to vote on this issue.
- 4.1.11 David Schultz, said he believes there needs to be a vote. The first question Ms. Harwell asked was what the split would mean to the children. He said he could not explain what a district split would mean to his little girl, but could explain that her school may have air conditioning to be comfortable.
- 4.1.12 Senator Pat Jones, representing Holladay and the northern part of Cottonwood Heights, said she has studied the issue and appreciates the consideration of putting it on the ballot. She conducts public opinion research and does much work in the public education arena. She finds with the east/west issue, whatever side you are not on, the other side is being unfair. She said that there is an east/west division which she believes is a mind set, and that I-15 has been a barrier. People on the east side have not had any reason to go to the west side for services and there is a lack of familiarity with the west side. The people on the east side have children moving to the west side because they cannot afford homes on the east side and in

turn the east side residents are becoming more familiar with the west side. She said that she hopes that this will lead toward more of a conversation toward the east and west sides. She said the school districts in the state have done the best they can and believes the small school district is bubbling up from a larger issue, which she feels is caused by the legislature's lack of funding public education. People are frustrated with class sizes, teachers' salaries and other programs caused by a lack of funding..

Mayor Cullimore noted that Senator Jones and her firm did a survey for the feasibility study.

- 4.1.13 Sabah Ul-Hasan, Youth City Council Mayor, stated that she attended school in the Salt Lake District before moving to Cottonwood Heights. She feels that having a smaller district would be a good thing, because it would help to get local issues out. She said that going to Brighton she has seen the difference in the facilities.
- 4.1.14 Councilman Bracken said the driving point for him is when he was talking to another state senator and the Jordan School District representative and found the that Jordon School District representative, represents a larger number of constituents than the state senator. With the district growing in size, and having that voice diluted more, it was a concern. He stated that the people need to be able to make the decision; it is not one that the council can make for them and is in favor of putting it on the ballot.
- 4.1.15 Councilman Thomas said that while campaigning for the City Council a woman asked if the City could form their own school district. He said that Jordan School District has done a great job on special needs. He has a son and grandson who both have special needs and have been helped by the district. He said that Senator Jones' survey had 87% of the people wanted to have it on the ballot. He said that even if he was against the split, it would be difficult to go against those kinds of numbers.
- 4.1.16 Councilman Jones said that he appreciates the opportunity to hear the merits of the discussion being held, but what is being decided, is whether to continue the dialogue and bring this issue to a vote. He said that someone would have to be very persuasive in a way he has not heard to win the argument that the dialogue should not be continued and a discussion of whether smaller school district would serve us.
- 4.1.17 City Manager Liane Stillman clarified that it is not a foregone conclusion that there will be a vote. All six entities have to do what the Cottonwood Heights City Council is doing now, by considering the issue of whether to place it on the ballot. If all six concur, the Mayor has instructed her to find a neutral party to find the distribution of information. She has contacted the Utah League of Women Voters who have a reputation for neutrality and fairness in elections and asked them if they would be willing to be the sponsor of a voter information pamphlet that would include the pros and cons of a school district split, so that the residents can weigh the arguments for and against the proposed creation of a new district.
- 4.1.18 Mayor Cullimore said that the County Council will vote on whether the unincorporated residents within the proposed new school district would be allowed to vote on this issue. The County is scheduled to vote July 31, and if the County denies their residents the right to vote, the issue is dead.

- 4.1.20 **MOTION:** Councilman Bracken moved to approve Resolution No. 2007-34 approving entry into an interlocal agreement for the purpose of submitting for voter approval a measure to create a new school district. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.
- 4.2 **Consideration of Ordinance No. 90 Rezoning .47 Acre of Real Property Located at 2494 Bengal Blvd. From R-1-8 to RO and Amending the Zoning Map**
- 4.2.1 Mayor Cullimore opened the public comment period. No comments were received.
- 4.2.2 **MOTION:** Councilman Bracken moved to approve Ordinance No. 90 rezoning property located at 2494 Bengal Blvd. from R-1-8 to Residential Office. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.
- 5.0 **CONSENT CALENDAR**
- 5.1 **Approval of May 22, June 12, June 19, and June 26, 2007 Minutes**
- 5.2 The minutes were approved as submitted.
- 6.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION**
- 6.1 Councilman Jones moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilman Thomas and passed unanimously on a voice vote. The business meeting adjourned at 8:40 p.m.