

MINUTES OF THE CITY COUNCIL MEETING HELD OCTOBER 11, 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, Community Development Director Kevin Smith, Planner Michael Black, City Recorder Linda Dunlavy, Director of Finance David Muir, City Treasurer Gary Harmer, City Engineer Brad Gilson

OTHERS PRESENT: Mike Watson, Robbie Russo, Kim Horiuchi, Kit Lindsey, Paul Breneman, Miaken Christensen, Michael Cooper, Ron Fullmer, Ray & Barbara Carter, Mike Peterson, Fern Baird, Don Machen, Chad Booth, Beth & Dave Finch, Tad Turgensen, Gayleen Johnson, Paul Sjoblom, Jason Hall, Rick Ferguson

1.0 **WELCOME/PLEDGE**

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

1.2 Troy Gordon, Troop #115 led the Pledge of Allegiance.

2.0 **PUBLIC HEARING TO RECEIVE INPUT ON PROPOSED ORDINANCE NO. 28 AMENDING TITLE 19 OF THE COTTONWOOD HEIGHTS MUNICIPAL CODE TO INCLUDE A NEW CHAPTER 19.89 "SHORT-TERM RENTALS**

2.1 Mayor Cullimore explained that State law was recently changed, and in order to comply with the new law the Planning Commission will hold an additional public hearing on the Short-Term Rentals November 2nd at 6:00 p.m. The City Council will then consider approving the proposed ordinance amendment on November 8th at a scheduled public meeting of the Council.

2.2 Councilman Jones reviewed the guidelines for making public comments. He asked those in attendance to take no longer than three minutes; speak to the Council; only speak once; and be respectful, no applause or booing.

2.3 Community Development Director Kevin Smith, explained that the proposed ordinance addresses the issue of short-term rentals in Cottonwood Heights. This ordinance would establish guidelines on how the short-term rental facilities should be regulated and where they should be located. Mr. Smith reviewed the definition of short-term rental and noted that the proposed ordinance allows short-term rentals under strict guidelines in multi-family zones, in single-family zones by conditional use, and along collector or arterial streets including Bengal Blvd., Fort Union Blvd., 3000 East, Wasatch Blvd., Highland Drive, Creek Road, 1300 East 2300 East and 2700 East. Staff also recommended that 3500 East south of Bengal Blvd be added to the list of collector and arterial roads. The proposed ordinance addresses the application process, standards on parking, noise, maintenance of the property, excessive noise, and hours a pool or hot tub could be occupied. The Planning Commission recommended approval of the ordinance on a vote

of 4-2. Those opposed to the ordinance did not feel that the City should legislate when people occupy hot tubs.

2.3 Mayor Cullimore opened the public hearing.

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2.4 Steve Mendiola, stated that he owns a duplex on 3500 East. His property is zoned R-1-8, but is a condominium and is surrounded with multi-family uses. He said that he can abide by the rules the City is proposing and recommended that Chapter 19.89.0050 include 3500 East.

Mr. Smith clarified that Staff's recommendation is 3500 East between Bengal Blvd. and Wasatch Blvd.

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2.5 Joann McCluskey, asked what the process would be to change her home into two separate apartments.

Mayor Cullimore suggested she set an appointment with Kevin Smith or Michael Black for an explanation of the process.

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2.6 Alton Eckstrom, Bengal Blvd., said that he has had problems with owner of an R-1-10 dwelling that had short-term renters without a license. He said that the County had two hearings on the property and the short-term rental license was denied. He submitted a petition signed by 21 neighbors stating they do not want the short-term rental at the location discussed.

Mayor Cullimore explained that since it is an R-1 zone a conditional use permit would be necessary to have a short-term rental in that area.

Mr. Eckstrom will notify the City when the short-term rental begins.

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2.7 Don Machen, asked the Council who was notified of the proposed Ordinance.

Mayor Cullimore said the ordinance was noticed in accordance with legal requirements and in addition published the proposed ordinance in the Valley Journal which is distributed to every home in Cottonwood Heights.

Mr. Machen said that he did not see any comments in the General Plan referring to the need for short-term rentals in Cottonwood Heights.

Councilman Bracken said that the General Plan comments in several places that because of Cottonwood Heights' proximity to the canyons, the City should encourage tourism.

Mr. Machen said that he is opposed to the proposed ordinance.

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2.8 David Finch, Fort Union, said that he has had a short-term rental for ten years, and the neighbors were not aware of the rental until they were told. He said people come into Cottonwood Heights, spend several thousand dollars, and it is a good business for everybody. He commended the City on taking a stance and addressing the issues that are pertinent in the ordinance and that cause concerns. He stated that in reading the ordinance he believes that the proposed rules are fair.

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2.9 Jason Hall, the Oaks, thanked the Council for proposing the ordinance and believes it is fair to both sides, and that the rules are appropriate.

Mayor Cullimore commented that approving an ordinance allowing short term rentals only makes them a legal use in a specific zone. It does not address the CCRs that specific condominium associations may impose, including disallowing short term rentals in their buildings.

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2.10 Councilman Jones stated that the City is attempting to find the correct balance of protecting homeowners and allowing the use of property.

2.11 Councilman Antczak stated that the proposed ordinance sets standards that the City will be able to enforce. He said that one of the biggest complaints in the past has been the lack of enforcement.

2.12 With no other citizens wishing to make comments, Mayor Cullimore closed the public hearing and noted that action will be taken on this item November 8th.

3.0 PUBLIC COMMENTS

3.1 No public comments were given.

4.0 REPORTS/PRESENTATIONS

4.1 Mayor's Award in the Humanities

4.1.1 Zions Bank representative Kerry Newman and Mayor Cullimore presented the "2005 Mayor's Award in the Humanities" to Ray Carter on behalf of Cottonwood Heights and Zions Bank for his support of the humanities.

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4.2 Salt Lake County Sheriff's Department – Sgt. Brenneman

- 4.2.1 Sgt. Brenneman reviewed the statistics for the month of August. Statistics for assaults and telephone harassment are down, but domestic issues, disturbing the peace, runaways, and citizen assists are up. The County will be providing a new mapping system which will provide a better tool to use while analyzing the calls. They will be broken down into persons crimes, property crimes, calls for service, and calls for service v. cases generated.

Sgt. Brenneman updated the Council on the recovery of stolen property in the City and the arrests that followed.

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4.3 Division Commanders Award – Lt. Russo

- 4.3.1 Lt. Russo recognized Deputy Hiram Burnett for his action on September 7th when he was investigating an incident at Highland Pinnacle. While at the apartment complex he observed a vehicle rolling backwards down an embankment with a three year old inside. The mother had left the child unattended. Deputy Burnett positioned his patrol vehicle behind the moving vehicle slowly bringing the vehicle to a stop and returning the infant to his mother. Had he not taken action the vehicle would have continued on through a gate and probably met with other consequences.
- 4.3.2 Lt. Russo recognized Deputy Daniel Bartlett for his action of August 6th when he was scanning radio frequencies and heard of a carjacking in Sandy City where a suspect took a vehicle at gunpoint. He fled to Midvale and attempted a second carjacking. He then went into Murray City where there was a pursuit by Murray City police officers until the vehicle left Murray City. Deputy Bartlett was listening to the entire chase and spotted the car on 6600 South 1300 East in Cottonwood Heights. As he approached it, he noticed that the suspect had abandoned the stolen car and was attempting to carjack another vehicle at gunpoint from a 16 year old. The suspect did not see the officer approach and when he became aware of the officer he took the 16 year old as a hostage. The suspect then fled on foot and the deputy chased the suspect, tasared the man and brought him safely into custody.

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4.4 Unified Fire Report

- 4.4.1 Battalion Chief Watson stated that the month of August closed with 76 fire runs, down from 118 runs in the month of July. There were 206 medical runs in August compared to 176 medical runs in July. Chief Watson reminded everyone to check for fire hazards, and to check smoke and carbon monoxide detectors to make sure they are working properly. He said everyone should practice escape drills in the home so that there are two methods of egress. He pointed out that candles are also an issue and 40 percent of the fires that start from candles are in bedrooms. He cautioned everyone to make sure candles are extinguished before going to bed, that they are in holders large enough to collect dripping wax, and keep them out of the reach of children and pets.

Chief Watson reviewed the customer service report for Station 10 and Station 16.

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4.5 **Volunteer Organization – Chad Booth**

- 4.5.1 Mayor Cullimore presented a proclamation to Chadwick Booth, to recognize and honor him for establishing and maintaining the first City website, assisting in public relations, and coordinating volunteers. Mayor Cullimore read the proclamation into the public record (see attached).
- 4.5.2 Chad Booth reviewed the new volunteer website. He recommended including check boxes for the standing committees the City develops so it can be included in their profile; have an automatic reply of receipt on all forms stating that the person will be contacted with more information at a later date. Currently the form can only be printed out and then must be entered into a data base, and he suggested it be integrated with the website so work does not have to be duplicated. He also suggested using email information as a source of ongoing information and notification.

Mr. Booth also reviewed the volunteer policy guidelines and believes everything has been covered. He recommended that the policy be included as an attachment to a welcome letter, have the Committee chair review the policy with the volunteer, and have them sign an acknowledgement with all of the volunteers. He also recommended that the City develop a short training DVD for volunteers to watch explaining the guidelines. Mr. Booth suggested throwing an informal party for the volunteers which he believes would be more significant than an awards banquet.

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4.6 **City Manager's Report**

- 4.6.1 City Manager Liane Stillman reported that "Bark in the Park" was held last Saturday. There were sponsors, booths, contests, and activities held. There will be a debriefing tomorrow to determine how the event could be improved. The City partnered with Cottonwood Heights Recreation Center and they were very supportive of the event. 33

pets were licensed, 19 were spayed/neutered, 21 rabies vaccinations and 23 other vaccinations were given, and 19 animals were microchipped.

- 4.6.2 Ms. Stillman said that there was an article in the paper recently indicating how under funded some of the County parks facilities are including Crestwood Pool. It has been the City's position that the disposition of what happens to the pool is something the City should be involved in. The City is working diligently to make sure the County Parks and Recreation Master Plan reflects Cottonwood Heights' priorities. The City has been told verbally that it does, but Ms. Stillman said she has not yet seen it in print.

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5.0 **PLANNING/PUBLIC WORKS MATTERS**

5.1 **Resolution No. 05-62 Appointing Amy Rosevear as an Alternate Member of the Planning Commission to Fill an Unexpired Term**

- 5.1.1 **MOTION:** Councilman Antczak moved to approve Resolution No. 05-62 appointing Amy Rosevear as an alternate member of the Planning Commission. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

6.0 **OTHER MATTERS**

6.1 **Resolution No. 05-63 Appointing a Representative to the Unified Police District Organizational Board**

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- 6.1.1 Mayor Cullimore explained that elected officials have been undertaking for some time to create a unified police concept for the unincorporated county and contracting cities. It was decided that each City needs to designate specific representation on the Board so that votes could be taken.

- 6.1.2 **MOTION:** Councilman Antczak moved to appoint Kelvyn Cullimore as the representative for Cottonwood Heights to the Unified Police District Organizational Board. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

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6.2 **Resolution No. 05-64 Requesting Membership in Salt Lake Valley Emergency Communications Center (VECC) and Designating a Representative to the VECC Board of Trustees**

- 6.2.1 **MOTION:** Councilman Bracken moved to approve Resolution No. 05-64 requesting membership in VECC and appointing Gordon Thomas as a representative to the VECC

Board of Trustees. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

Lt. Kendra Herlin, Civil Division, distributed a pamphlet regarding civil issues to the Mayor and Council and explained that much of her time is explaining the difference between 'civil' and 'criminal'. Civil issues include child support issues, child visitation, divorce, evictions, landlord/tenant disputes, property settlements and small claims. Copies of the pamphlet will be available for citizens.

Ron Fullmer asked about the status of the law enforcement contract and Jordan School District.

Mayor Cullimore stated that the City is having a meeting on Monday regarding the law enforcement contract. The City is also meeting next Monday to begin the dialogue on what will happen with the schools that have been closed.

7.0 CONSENT CALENDAR

7.1 Approval of September 27, 2005 Minutes

7.1.1 The minutes were approved as written.

8.0 ADJOURN TO WORK SESSION

8.1 The City Council adjourned the business meeting at 8:35 p.m. and reconvened the work session at 8:45 p.m.