

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD
TUESDAY, JULY 13, 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 Gordon Thomas, Councilman Tee Tyler

Staff Present: City Manager Liane Stillman, City Recorder Linda Dunlavy, Community and Economic Development Director Michael Black, Public Works Director Michael Allen, Finance Director Steve Fawcett, Police Chief Robby Russo, Asst. Fire Chief Mike Watson, Public Information Specialist Stephanie Archibald

Also Present: Jessica Remington, Nancy Dahill, Heath & Laurie Lowry, Steve Hopkins, Josh Lannon, Joe Biesinger

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

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

1.3 The Pledge of Allegiance was led by Councilman Thomas.

1.4 Councilman Bracken introduced Youth City Council representative, Jessica Remington who serves on the Education Committee.

2.0 CITIZEN COMMENTS

2.1 No citizen comments were received.

3.0 PUBLIC COMMENT

3.1 Public Comment on the Application by Journey at Willow Creek Proposing to Change Zoning of Property Located at 8072 South Highland Drive from RR-1-43 (Rural Residential) to RO (Residential Office) to Accommodate the Addition of an Outpatient Day Treatment Program.

3.1.1 Community and Economic Development Director Michael Black reviewed the subject property and explained that a residential treatment facility has been operating for a number of years. The current zoning of the property is Rural Residential and the General Plan designation is Residential Office. The Planning Commission held a public hearing on this application and most of the input from citizens pertained to parking issues. Mr. Black explained that most complaints dealt with parking in the street and the interference the traffic creates with the left turn lane onto Creek Road. The Planning Commission recommended approval of the rezone asking staff to work with the developers to resolve the parking issues.

3.1.2 Mayor Cullimore asked if a conditional use permit would be required for the proposed change of use. Mr. Black explained that if the zone change were approved, the applicants would have to make application for a daytime treatment center. Mr. Black indicated that a conditional use will be required for both the current and proposed uses from both the city and the county. It was noted that the applicants will be required to obtain a business license which can only be accomplished by going through the conditional use process.

3.1.3 Josh Lannon, applicant, stated that they were originally granted a permitted use from the county. They have been doing business in the same location for the last eight years and would like to add day treatment for which application was made over one year ago. Over time, the business grew to the point that they had more staff than could be accommodated in a residential zone. As a result, staff was relocated to Arizona to reduce congestion. He stated that because the process has taken so long they hired an attorney to help expedite the process.

3.1.4 Mayor Cullimore questioned whether this service could be done in an office complex location.

Mr. Lannon explained that clients become very connected to the program, the staff, and the community and feel safe in the present location. Plans have been submitted to increase the parking in an effort to accommodate the city's request, and he is hoping to avoid removing mature trees if possible.

Mr. Black indicated that the conditional use permit would not be approved without adequate onsite parking.

3.1.5 Councilman Bracken asked what other types of land uses are allowed within the RO Zone, as opposed to the current RR Zone on the property. Mr. Black explained that Residential Office is meant to be a mixed-use zone with uses such as small offices, medium-density residential, and convenience stores without gasoline.

3.1.6 City Manager Liane Stillman asked Mr. Lannon to explain how the day treatment will operate.

Mr. Lannon stated that the organization offers a "step down" treatment where a client will first complete their 28-day in-house program and prepared for a lower level of care. Clients attend the program from approximately 9:00 a.m. to 1:00 each day where they receive counseling in both group and individual sessions.

Mr. Black noted that the conditional use will stipulate such issues as the hours of operation.

Mr. Lannon indicated that the maximum number of clients allowed at the facility will be 15 between the hours of 9:00 a.m. and 1:00 p.m.

3.1.8 Mayor Cullimore opened the public comment period. No public comments were received.

4.0 **REPORTS/PRESENTATIONS**

4.1 **Standing Monthly Reports**

1. **June Police Report**

4.1.1 The monthly police report was postponed to July 27th.

2. **Monthly Public Works Report**

4.1.2 Public Works Director Michael Allen reported on the Fort Union Pavement Project. He explained that the project has been slowed due to the availability of material being used. The milling and paving of the south side should be complete this week. Intersection work at Fort Union Blvd. and Highland Drive will be done during nighttime hours, leaving one lane open in each direction during construction.

Mr. Allen also updated the Council on the 2300 East project, the pavement management contract with Salt Lake County and the cross gutter replacement work at 7070 South 2985 East. A complete public works report is available to the public.

5.0 ACTION ITEMS

5.1 Consideration of Ordinance No. 158 Amending the Adopted Certified Tax Rate

5.1.1 Mayor Cullimore reported that each year the property tax rate is set by Salt Lake County and Cottonwood Heights is entitled to the same amount received the prior year without claiming a tax increase. He explained that during the last legislative session, a new law was passed affecting the certified tax rate. The legislature will require in the future that recapture of delinquent taxes be included in the calculation of the certified rate just as delinquencies are calculated. This would mean that future years may require a formal “truth in taxation” hearing indicating a tax increase if we are to recapture all delinquent taxes paid. This year it is being allowed without a Truth in Taxation hearing so we are adjusting our rate according to the statute which will result in the recognition of about \$22,000 in delinquent taxes.

5.1.2 **MOTION:** Councilman Bracken moved to approve Ordinance Number 158. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

5.2 Consideration of Ordinance No. 159 Establishing Temporary Land Use Regulations for Short-Term Rentals.

5.2.1 Ordinance No. 159 was postponed to the July 27, 2010 meeting.

5.3 Consideration of Resolution No. 2010-39 Approving Entry into an Interlocal Agreement with the City of Holladay for Justice Court Services.

5.3.1 Mayor Cullimore explained that this resolution approves justice court services with Holladay City.

5.3.2 **MOTION:** Councilman Thomas moved to approve Resolution Number 2010-39. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote.

5.4 Consideration of Resolution No. 2010-44 Approving a Contract with Sorenson Labs.

5.4.1 Mayor Cullimore said that Sorenson Labs performs biological screenings and DNA services and the proposed contract is to provide forensic services when necessary. The fees were negotiated based on the current police budget.

5.4.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2010-44. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote.

6.0 CONSENT CALENDAR

6.1 Approval of June 22, 2010 Minutes

6.1.1 The minutes were approved as submitted.

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

- 7.1 **MOTION:** Councilman Bracken moved to adjourn. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote. The business meeting adjourned at 7:50 p.m.