

MINUTES OF THE CITY COUNCIL MEETING HELD JULY 25, 2006, AT 7:04 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, City Recorder Linda Dunlavy, Finance Director David Muir

OTHERS PRESENT: Larry T. Jensen, Geoff Armstrong, Ron Fullmer, Amelia Nielson-Stowell, Cathy McKittrick, Barry Newbold, John Hiskey, Carlene Walker, Kim Steenblick, Tauni Everett, Greg Robinson, Jerry Christensen, Erik Christensen, Kim Horiuchi, Monica Patch, Michele Dunn, Ben Anderson, Matt Steiner, Debbie Tyler, Tee W. Tyler, Laura Pinnock, Chris Cage, Connie Anderson, Mike Watson, Robby Russo, Brian Allen, John Hendrickson, Nicole Adams, Mike Bennett, Kim Horiuchi, Bill Anderson

1.0 **WELCOME/PLEDGE**

1.1 Mayor Cullimore opened the meeting at 7:04 p.m. and welcomed those in attendance.

1.2 The Pledge of Allegiance was led by Councilman Scott Bracken.

1.3 Mayor Cullimore introduced Mr. U Tha Htun, Central Executive Committee Member for the Myanmar Anti-Narcotics Association who was accompanied by Dr. Scott Hansen, a Cottonwood Heights resident. Mr. Htun attended the Colorado School of Mines and owned a precious gem mine prior to the present form of government in Myanmar which nationalized the mining industry. Dr. Hansen recently returned from presiding over the Bangkok-Thailand Mission for the LDS Church of which Myanmar is a part. The Mayor explained that his parents are serving as humanitarian missionaries in Myanmar at this time and are friends of Mr. Htun. Mayor Cullimore presented Mr. Htun with a gift from the City and Mr. Htun presented the city with some local laquerware from Myanmar. Mayor Cullimore visited Myanmar in January and explained that it caused him to be grateful for the freedoms we take for granted in this Country. Mr. Htun stated that in Myanmar he would not be allowed to stand in as close proximity to any elected official as he was in this meeting – much less be able to dunk the mayor at a city activity like Butlerville Days!

2.0 **PUBLIC HEARINGS**

2.1 **Public Hearing on LeRay McCallister Grant for Old Mill Pond Project**

2.1.1 Mayor Cullimore explained that in order to apply for the LeRay McCallister grant, the local legislative body must hold a public hearing to give residents an opportunity to provide input regarding the proposed land use. This fund was established by the State for the preservation of open space and natural land habitat. The City is proposing that the debris basin just above 30<sup>th</sup> East be expanded to be used as an urban fishery and park.

2.1.2 City Manager Liane Stillman explained that the City is applying for a \$50,000 grant which would be used for the perimeter landscaping and jogging trail that will go around the pond. The landscaping will be a screen from the residential properties on the south side and from the

roadway on the north side. Ms. Stillman said that the City has received funding from ZAP for the trail system to the north of the pond.

2.1.3 Mayor Cullimore opened public hearing.

2.1.4 Senator Carlene Walker, stated that she is the committee chair for political subdivisions and she has had much to do with the LeRay McCallister fund. She has the privilege of writing a letter of recommendation suggesting the committee approve this donation. She believes that this project will be a great asset to the community and is pleased the City applied for the grant.

2.1.5 Ron Fullmer stated that LeRay McCallister was a State Senator from Orem, Utah, and was a very far-sighted man. He said that this is a very commendable thing that is being done.

2.1.6 Councilman Bracken said that being able to maintain this area as open space is very important and will be a great addition to the community.

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

### 3.0 **CITIZEN COMMENTS**

3.1 Chris Cage, 6744 South 1560 East, recently attended the trainer class for the Community Emergency Response Team. The primary location of the citizen core program was previously in the Department of Homeland Security, and now falls under the Lt. Governor's Commission on Volunteers. Packets for each Council member have been provided. He said that the mission of the citizen core is to "harness the power of every individual, education, training and volunteer service to make communities safer, stronger and better prepared to respond to the threats of terrorism, crime, public health issues, and disasters of all kinds". The citizen core program utilizes the CERT program and a medical reserve core program. He encouraged the City to bring forward a citizen core program through a letter of support asking for a charter. In order to establish this program one elected official and one citizen are needed to anchor the program.

### 4.0 **REPORTS**

#### 4.1 **Presentation of HB 77 Study by Bennett Consulting**

4.1.1 Mayor Cullimore recognized representatives of neighboring cities, the County, and the school district. He explained that when HB 77 was passed, Cottonwood Heights recognized that the City was not large enough to form its own school district, and also recognized that many cities were considering forming smaller districts. The City felt that decisions would need to be made based on what was happening in the communities around Cottonwood Heights. He explained that much of the impetus for becoming a City was because of a defensive posture from other cities organizing and starting to expand, leaving Cottonwood Heights an island in the unincorporated area of Salt Lake County with a tax base that was being eroded through annexations by surrounding cities. The City did not want a similar situation occurring regarding school district changes. In anticipation the City commissioned a study to gather information that would help Cottonwood Heights in determining directions the City may want to consider should smaller school districts gain traction and start forming in adjacent areas.

4.1.2 Mike Bennett, Bennett Consulting, presented his analysis for Cottonwood Heights in considering a smaller school district. (See attached study).

4.1.3 He explained that he was originally asked to study two options for Cottonwood Heights. One was to combine with cities to the north, including Holladay, South Salt Lake and unincorporated Mill Creek Township. The second option was combining with cities to the south, including Sandy, Midvale, and Draper.

He said that there were two specific issues that were problematic with going north. First, HB 77 requires that negotiated agreements that are already established in the district, from which a City might ask to be removed from, continue on with the formation of a new school district, and second, the feeder system would be seriously disrupted. Given the clear advantages of combining with cities to the south, most of the study focused on information related to the Jordan School District.

4.1.4 Councilman Jones asked if it would be fair to state that maintenance/operation money generated in Cottonwood Heights, Draper, Sandy and Midvale, is used in part for capital improvements in the western part of the Jordan School District.

Mayor Cullimore agreed that with the demands being placed on the school district for the west side in an attempt to keep bonding to a minimum, there is a portion of capital outlay money generated by taxes on the east side that is being spent for new schools on the west side.

4.1.5 Mr. Bennett said that advantages of remaining in the Jordan School District are that it is a well-established entity with a significant fund balance; the superintendent is nationally recognized; administrators and staff are experienced; policies, procedures, and educational practices are well thought out and administered; and asset redistribution could be problematic given the lack of clarity in HB 77.

4.1.6 Councilman Jones asked what the best size for a school district is from those in the education institutions and environment.

Mr. Bennett said that once a school district has reached 15,000-20,000 in enrollment, services should not be an issue. Most economies of scale can be achieved at that level.

4.1.7 Mr. Bennett said the disadvantages in remaining in the Jordan School District are that Jordan School District still has \$211 million in voter authorized bonds that they plan to issue over the next four years and are planning to receive authorization for \$400 million in additional bonds in the next few years; and currently the eastside cities are providing 57.3 percent of the local tax funding while providing only 43.8 percent of the student population - which will decrease to 30.3 percent of the students by 2015.

4.1.8 Mayor Cullimore said that if small school districts begin to form, looking south enables the City to avoid complications of forming a new district by combining parts of two existing districts and also enables the City to keep feeder systems intact

Mr. Bennett said that it also enables the City to maintain the same tax rate.

- 4.1.9 Mayor Cullimore reminded everyone that this study was not meant to be a feasibility study – although it is admittedly much more thorough than was originally expected. It provides the city with important information to determine a direction to consider in the matter and a foundation to work from.
- 4.1.10 City Manager Liane Stillman commented that if the next step were to be taken by a prospective school district the cost of administration for 75,000 students and the asset transfer would need to be known.
- 4.1.11 Councilman Bracken said that if there is a genuine concern of the populace that a school district of 120,000 is too large, Jordan School District may have ideas of their own of how they would split the district.

Mayor Cullimore explained that prior to HB 77 a vote of the total district was required to split off any portion of the district as its own entity. Under HB 77, the vote is limited to those that are making the decision to create a smaller district, but either way it must go to a vote.

- 4.1.12 Mayor Cullimore asked for comments from the public.
- 4.1.13 Ron Fullmer, said that he would like to hear more than has been discussed. He said that there is more than economics that could drive Cottonwood Heights to the north instead of the south. He stated that he would like to hear comments from Superintendent Newbold.
- 4.1.14 Kim Horiuchi, said that it is projected that Jordan School district will have 114,000 students by 2015 and asked what the total patron population would be. She asked if Jordan School District would have to add board members as the patron population increased. She also questioned how many patrons would be in a four-city school district.
- 4.1.15 Laura Pinnock said that the legislature has capped school board members in a district to seven members regardless of how large a school district grows which makes existing board member districts larger than the districts covered by a state senator.
- 4.1.16 Senator Carlene Walker said that there is an ad hoc committee of various stakeholders in school districts that are meeting and they are finding that there are issues that will need to be statutorily clarified. One is how assets and debt are divided. She said that bond counsel attends every meeting because there is a concern for bond ratings which she feels assured can be protected. Legislation is currently being drafted on how a school board should be put together. The primary concern is the initial period prior to an election of the school board. She is suggesting that elected officials be divided in a percentage basis to have representation on an interim school board in order to make decisions about asset and debt division. She invited comments from the residents on these issues.
- 4.1.17 City Manager Liane Stillman asked Senator Walker if they are addressing the topic of what happens when a feeder system boundary conflicts with a municipal boundary.  
  
Senator Walker said that they are debating that issue right now.
- 4.1.18 Superintendent Barry Newbold, said that this information is helpful to everyone and he will be looking at it carefully. He said that there are general ideas and conclusions that can be drawn from the information. He reminded everyone that this is not a feasibility study, but a gathering of

information. A feasibility study will bring all entities closer to what they want to know. He said that because of assessed valuation per student, the dollars per student based on assessed valuation will be greater in the cities mentioned, than those that remain. The enrollment will be stable to declining over time and issues of capital costs, capital dollars and capital revenues are up in the air. He said to answer the questions that are being asked there needs to be more analysis done.

4.1.19 Laura Pinnock, Small Districts Coalition spokesperson, said that she has appreciated speaking with Mike Bennett and that Cottonwood Heights is lucky to be moving on this issue. She said that as numbers and facts are reviewed, the Small Districts Coalition believes that public education should be primarily public. As Jordan District continues to grow, the school board districts will also continue to grow. Currently school board districts represent a larger group than some of the senate districts. The larger the districts grow, the less public the public schools become. A school board makes all the key decisions for public schools and the residents become less represented.

4.1.20 Bill Anderson, South Salt Lake City Council, said that as they have looked at the numbers of per student income, assumptions are made about the contribution versus what they are getting in return for services from the school district. He said that even though the new school district would generate \$6,722 per student, he questions if the maintenance/operation costs for the schools that would remain in the four-city district would be disproportionately higher than the remainder of the district.

Mr. Bennett said that the 06-07 values generated by each city are shown, minus the debt service.

4.1.21 Ron Fullmer stated that it is glaring that no one from the Granite School District is in attendance. He said the Council has taken a big step toward solving a huge problem and should be congratulated.

#### 4.2 **Unified Fire Report**

4.2. Assistant Chief Mike Watson presented the June 2006 run data. There were 177 medical calls this June compared to 165 last year; and 84 fire calls which is up from 67 fire calls last year. Chief Watson reviewed the safety message for June. He said that fire danger is still very high in Utah. There are currently 17 fires throughout the state. He reminded the Council that he would be presenting a final report on the Parkridge Fire in August.

4.2.2 Chief Watson reviewed the customer service message for Station 110 and Station 116.

#### 5.0 **ACTION ITEMS**

##### 5.1 **Consideration of Ordinance No. 60 Expanding the Continued Prohibition of the Discharge of Fireworks, Certain Smoking in the Open, and the Use of Open Fires, Within Specified Areas of Cottonwood Heights to Include Little Cottonwood Park**

5.1.1 **MOTION:** Councilman Thomas moved to adopt Ordinance No. 60. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

5.1.2 Mayor Cullimore noted that signs should be posted as soon as possible.

**5.2 Consideration of Ordinance No. 61 Amending Chapter 19.82 (Signs) of the Cottonwood Heights Code Concerning Signage in the PF Zone and Other Matters**

5.2.1 Councilman Bracken said that he has been in touch with Staff and believes that this Ordinance will accommodate the request that has been made for the Brighton High School sign.

5.2.2 **MOTION:** Councilman Bracken moved to adopt Ordinance No. 61. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

**5.3 Consideration of Ordinance No. 62 Amending Chapter 19.37 (NC – Neighborhood Commercial Zone) of the Cottonwood Heights Code**

5.3.1 Mayor Cullimore stated that this item has been discussed in recent meetings. Staff met with the Shells and addressed their concerns. They will have to file for a rezone of their parcel under any circumstance and this does not directly affect them at this time.

5.3.2 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 62. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

**5.4 Consideration of Resolution No. 2006-35 Voicing Support For, and a Request For, the Adoption and Implementation of Utah State Tax Commission Proposed Rule R861-1A-39 to Encourage Better Reporting of 911 Emergency funds and Local Taxes Collected by Telecommunications Providers**

5.4.1 **MOTION:** Councilman Jones moved to approve Resolution No. 2006-35. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

**5.5 Consideration of Resolution No. 2006-36 Voicing Support For, and a Request For, a \$50,000 Grant by LeRay McAllister Critical Land Conservation Fund for the Purpose for Grading, Stabilizing, Revegetating and Restoring Parcel #2223401001 (Old Mill Pond)**

5.5.1 **MOTION:** Councilman Antczak moved to approve Resolution NO. 2006-36. the motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

**6.0 CONSENT CALENDAR**

**6.1 Approval of July 11, 2006 Minutes**

6.1.1 The minutes were continued to the next business meeting.

**7.0 ADJOURNMENT**

7.1 Councilman Bracken moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilman Antczak and passed unanimously on a voice vote. The business meeting adjourned at 10:16 p.m.