

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,  
JULY 27, 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, Public Works Director Mike Allen, Chief Robby Russo, Public Information Officer Stephanie Archibald, City Recorder Linda Dunlavy, Finance Director Steve Fawcett, Battalion Chief Steve Bacon, City Attorney Shane Topham

Others Present: Nancy Dahill, Kathy Cusumano, Tom Bowen, Mark Macklas, Josh Lannon, Roger Kehr

**1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

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

1.2 The Pledge of Allegiance was led by Councilman Tyler.

1.3 Scouts present in the audience were acknowledged.

**2.0 CITIZEN COMMENTS**

2.1 Mark Macklas indicated that he lives on Prospector and asked what can be done to expedite the completion of the project on Wasatch Blvd. because it is so dangerous. Mayor Cullimore asked that staff research the matter further.

Mr. Macklas also brought up the issue of short-term rentals noting that on his street some duplex units are rented out monthly by room. The result is numerous cars on the premises since each duplex unit contains six bedrooms. He owns a short-term rental unit in Canyon Place and makes sure it is always in compliance by requiring additional deposits to cover violations, which gives him absolute control. He believes that in some ways short-term rentals provide more control.

2.2 Roger Kehr complimented the council on the city website and stated that it contains huge amounts of information. He read the Community Vision Statement and discussed the role of the Community Development Department, which he believed was meant to provide technical information and analysis for elected and appointed officials to make the most informed decisions possible. Mr. Kehr pointed out that 97 buildings comprise the commercial areas around Cottonwood Heights with only two being over six stories. In addition, 97% of all square footages are in buildings of six stories or less. The median number of stories per building is four with the average being 3.9 stories. The average height of buildings completed in 2007 through 2010 was 4.14 stories. Mr. Kehr reported that buildings are developed for economic reasons. The public input on the matter showed an overwhelming opposition to buildings greater than six stories. Despite this data, there has been a push for 12-story buildings. He recommended the city wait for the revision of the 2011/2012 General Plan before taking action.

**3.0 REPORTS/PRESENTATIONS**

3.1 **Recognition of Planning Commissioners.**

3.1.1 Mayor Cullimore recognized Tom Bowen, a founding member of the Planning Commission. Mr. Bowen had the distinction of serving as Planning Commission Chair on three separate occasions. Mr. Bowen was presented with a proclamation in honor of his service that was read in its entirety by the Mayor. Mr. Bowen was commended and thanked for his service.

### 3.2 **Standing Monthly Reports.**

#### 3.2.1 **Finance Report – Director Steve Fawcett.**

3.2.1.1 Finance Director, Steve Fawcett, presented the Finance Report for June 2010. He clarified that the City is in the process of completing the year-end report and there is revenue accrued in the report as of June 30<sup>th</sup> that will be received in July and August. Staff anticipates real property taxes coming in slightly under budget. General and sales taxes, however, were expected to come in at about \$350,000 over the amended budget. Licenses and permits were expected to be 96% of budget and business license and permits at 107%. He reported that the city collected what was anticipated in federal grant funding for the year. Mr. Fawcett reported on items staff expects to receive that are less than budgeted, such as CDBG funds. Overall, the city was expected to receive 105% of the budgeted revenue.

Mr. Fawcett reported that nearly every department will end the fiscal year in the positive. Public Works is the only department currently showing a deficit. He noted that department salaries are supposed to be charged to the storm water project rather than the general fund. At year end, expenditures were projected to come in under budget at slightly over \$700,000 after the adjustment. Combining the revenue received in excess of budget and the lower than budgeted expenditures for the year, the city realized about a \$1.3 million increase to fund balance. Some of these funds will be used on projects that carried over to Fiscal Year 2011, but about \$1,000,000 should go to increase fund balance. The Mayor commented on how extraordinary that is in these difficult financial times and thanked staff for conservative budgeting and tight fiscal management that resulted in such a year end surplus.

In response to a question raised, Mr. Fawcett indicated that it takes six months to finalize the year's finances. Statutorily, the city has until the end of December to complete the year-end financial records. Mr. Fawcett referred to the adopted budget of \$14.321 million and compared it to the year-to-date actual of \$14.332. It was noted that staff was very conservative in preparing the budget.

#### 3.2.2 **Unified Fire Report – Assistant Chief Mike Watson.**

3.2.2.1 Battalion Chief Steve Bacon presented the June report and stated that June 2010 was the busiest in terms of fire and medical calls for any month of June on record. A total of 509 fire calls were received with 199 medical calls. Fire calls were up by 22% while medical calls were up by 24% from June 2009. Call types were described with traffic accidents representing the bulk of calls received. Total transports were 46 for Station 110 and 28 for Station 116. Yearly trends were presented for both stations.

Chief Bacon presented the June safety message as well as the customer service message for Stations 110 and 116.

Call by month totals were presented. For Station 110, June was the second busiest month with a total of 204 calls. Station 116 received 102 calls.

#### 4.0 ACTION ITEMS

##### 4.1 **Consideration of Ordinance No. 159 Establishing Temporary Land Use Regulations and Commencing Proceedings to Amend Ordinances Concerning Short-Term Rentals.**

- 4.1.1 City Attorney Shane Topham reported that after the city incorporated, a dialog commenced that culminated in the city adopting a short-term rental ordinance that allows short-term rental use to occur as a conditional use in certain zones within the city. To prevent those zones from becoming overloaded with short-term rentals, the ordinance placed a numerical cap on the number of short-term rental permits allowed at approximately 120. The city is now being challenged on the ordinance by a homeowner in one of the zones who desires a short-term rental permit. This individual has applied to the Utah Real Property Ombudsman's Office for an advisory opinion. The city is responding by considering the imposition of a six-month moratorium on the issuance of short-term rental permits in the city. Mr. Topham explained that the ordinance imposes temporary zoning regulations, which are authorized under Utah law without prior public hearing by the planning commission.

Councilman Bracken indicated that this would be a good time to look at the ordinance and have the planning commission revisit it.

- 4.1.2 **MOTION:** Councilman Thomas moved to approve Ordinance Number 159. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote.

- 4.1.3 Mr. Topham clarified that the moratorium can be terminated at any time, the existing ordinance amended, a new ordinance adopted, or the old ordinance allowed to remain in place.

##### 4.2 **Consideration of Ordinance No. 160-A Approving the Rezone of Real Property Located at Approximately 8072 South Highland Drive from RR-1-43 (Rural Residential).**

- 4.2.1 Mayor Cullimore reported that a public hearing was held several weeks ago and the Planning Commission recommended approval of the application.

- 4.2.2 **MOTION:** Councilman Bracken moved to approve Ordinance Number 160-A. The motion was seconded by Councilwoman Omer.

- 4.2.3 It was noted that the conditional use application will be further reviewed by the Planning Commission and will not come back to the city council for any type of action.

- 4.2.4 **VOTE:** Scott Bracken-Aye, Nicole Omer-Aye, Gordon Thomas-Aye, Tee Tyler-Aye, Mayor Kelvyn Cullimore-Nay. The motion passed 4-to-1.

- 4.2.5 Mayor Cullimore indicated that he voted against the motion because the particular function proposed can be done in a different setting without rezoning the property. In addition, he had concerns about past uses and the property owner's lack of responsiveness in the past. His vote was meant to serve as a message that the city expects better cooperation going forward. He hoped for recognition by the property owner that others are impacted by what takes place on the property. The Mayor was confident that significant effort will be made by staff to ensure that there is adequate parking and compliance moving forward.

4.3     **Consideration of Ordinance No. 160-D Denying the Rezone of Real Property Located at Approximately 8072 South Highland Drive from RR-1-43 (Rural Residential) to RO (Residential Office).**

4.3.1   No action required.

5.0     **CONSENT CALENDAR**

5.1     Approval of July 13, 2010 Minutes.

5.1.1   The minutes of July 13, 2010 were approved as amended.

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

6.1     **MOTION:** Councilman Bracken moved to adjourn. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

6.2     The business meeting adjourned at 8:00 p.m.