

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY, MAY 28, 2013, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

Members Present: Mayor Kelvyn Cullimore, Councilman Mike Shelton, Councilman Scott Bracken, Councilman Tee Tyler, Councilman Mike Peterson

Staff Present: City Manager John Park, Deputy City Manager Linda Dunlavy, City Attorney Shane Topham, Police Chief Robby Russo, Public Relations Specialist Stephanie Archibald, Public Works Director Mike Allen, Community and Economic Development Director Brian Berndt, Assistant Fire Chief Mike Watson, Finance Director Steve Fawcett

Others Present: Youth City Council Representative Adam Woolston, Youth City Council Advisor Ann Bracken, Tina Bracken, Donald Cobb, Linda Black, Jaxson Thompson, Justin Thompson, Sharon Webb, Dan Webb, Nancy Dahill, John Hille, Tanner Cox, Laura Woolston, Jan Littlefield, Curt Roskelley, Kris Mateus, Mike Littlefield, Rob Lammle, Patty Darling, Bob Darling, Lori Hand, Cory Wall, Jacque Van Mondfrans, Marc Matt, Stephanie Matt, Brandi Logan, Laurel Harris

**1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Kelvyn Cullimore called the meeting to order at 7:00 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Peterson.

**2.0 CITIZEN COMMENTS**

2.1 Mayor Cullimore opened the citizen comment period noting that information was circulated that may have lead citizens to believe that a decision regarding the exotic animal ordinance would be made at the meeting. He explained that no action being taken and apologized for any misunderstanding.

2.2 Trudy Christensen, Hollow Ridge resident, expressed concern with the abundance of boa constrictors in the neighborhood and stated that she considers them to be a health hazard. She shared statistics from the Center for Disease Control, which showed that 74,000 cases of salmonellosis each year are associated with exposure to reptiles. Ms. Christensen shared other instances of how boa constrictors have harmed individuals.

2.3 Shane Richins, Scales and Tails Utah, does not share the opinion that boa constrictors are harmful. Mr. Richins stated that he believes that Mr. Cobb is improving his collection by buying, selling, and trading his snakes much like a baseball collection, but is not running a business out of his home.

2.4 Christina Nielson, Hollow Ridge resident, expressed concern about non-domesticated animals existing in a highly populated neighborhood.

2.5 Robyn Tracy indicated that she is a reptile and amphibian hobbyist and resident of Cottonwood Heights, and as a hobbyist knows it is not uncommon to buy, sell, and trade reptiles. Ms. Tracy suggested that irresponsible pet owners should be at the center of litigation or legislation, not Mr. Cobb.

2.6 Sharon Webb raised a question regarding the best way to deal with someone who neglects their animals. Ms. Webb's fear was not of the animals themselves, but of animals that are not cared for properly by their owners.

- 2.7 Sky Reese stated that he runs a large scale rodent breeding facility. He said that the particular reptiles that Mr. Cobb keeps would not survive this environment if they escaped outside in the winter. He does not believe that animals housed inside a home, in cages should be regulated.
- 2.8 Tobi Paulos read a prepared statement claiming that the City Council is responsible for maintaining the safety and well-being of the community and read a statement from the Humane Society of the United States detailing the danger of boa constrictors. Ms. Paulos believes that Mr. Cobb's operation is a business since he produces and sells offspring. She asked the Council how they would feel if this was taking place in their neighborhood.
- 2.9 Amanda Martindale, Thomas Cobb's neighbor, stated that she has a strong distaste for reptiles, but loves her neighbors. She is saddened to see the division that has taken place between the neighbors over this issue.
- 2.10 Daniel Lindberg agreed with the comments made by Ms. Paulos and reiterated that the animal regulations in Cottonwood Heights allow no more than three adult animals of any one species at one residence.
- 2.11 Cory Wall supported the comments made by Mr. Lindberg and Ms. Paulos. He believes that the fundamental issue is that Mr. Cobb is operating a business out of his home. Mr. Wall stated that in his opinion Mr. Cobb's actions are affecting the marketing of neighboring homes.
- 2.12 Thomas Cobb read a prepared statement describing the difference between a hobbyist and a professional occupation. He said that all of the animals he has sold have been sold by third party sources and that he has not engaged in business as defined by the City Code. He defined bigotry, ignorance, the right to privacy, and defamation, all of which he feels he has experienced because of this issue.
- 2.13 Debra Cobb spoke of the species of snake her husband owns. Ms. Cobb gave a description of the boa constrictor imperator explaining that the smallest snake measures 16 inches and the largest snake measures seven feet. She suggested that every reptile owner be treated the same.
- 2.14 Dr. Laurel Harris, Wasatch Exotic Pet Care, stated that she sent out 221 letters to all of her active clients in Cottonwood Heights. She noted that there are many more dangerous exotic animals being housed in the city than those maintained by Mr. Cobb. She voiced her distaste for the Humane Society of the United States and considers them to be a radical organization. She reported that the Association of Reptile and Amphibian Veterinarians has scientifically proven that reptiles that are healthy shed such a small amount of salmonella that it does not pose a health risk.
- 2.15 Stephanie Jochum-Natt has been an Animal Care Specialist for nearly 20 years and is afraid of the ignorance shown throughout the community. She believes Mr. Cobb has taken great care of his animals.
- 2.16 Connie Cobb agreed with the comments made by Stephanie Jochum-Natt and detailed the care of the snakes. She invited those with issues to come view their collection.
- 2.17 Curt Roskelley said he believes the real issue pertains to a license in a residential area that is not zoned for business. The licensing issue involving newborn snakes was also discussed.
- 2.18 Kimberly Chaffer reported that she lives next to a pigeon hoarder, which she finds very disturbing. Her concern is that if Mr. Cobb is allowed to have 29 reptiles, every other homeowner in the community will also be allowed to have 29 different species.

- 2.19 Linda Mandrow stated that she is offended by the assumption of those who are opposed to an overabundance of snakes in the community are considered ignorant and emotional. She believes those who are in favor of the snakes will benefit financially if they are allowed to keep them. She urged the Council to consider the impact and consequences Mr. Cobb's operation will have on the entire State of Utah and demanded the City revoke the licenses granted to Mr. Cobb.
- 2.20 Don Cobb, father of Thomas Cobb, reported that reptile keeping is the fastest growing hobby in the country. He commented that the precedent is an abridgment of individual liberties, personal rights, and the degradation of a neighborhood by attitude rather than by reason and friendliness.
- 2.21 Leo Paulos commented that the objections raised are not personal and his issue is not with the Cobb family. His concern is with the City Council and their responsibility to protect the residents.
- 2.22 Mayor Cullimore acknowledged that this is a difficult issue, one that will require additional research. The Mayor stated that the Council has yet to find a community anywhere that restricts the number of indoor exotic pets. There is question if Mr. Cobb is running a business out of his home, and if so, does he qualify for a home business license. The Council's decision will be based on reason and not fear or because a majority feels a particular way. This issue involves much more than an abundance of snakes it involves property rights, privacy rights, and others rights which must be viewed from a broad perspective.
- 2.23 Councilman Bracken encouraged those in attendance to sign up for emails regarding agenda items and updates.

### **3.0 REPORTS/PROCLAMATIONS/RECOGNITIONS**

#### **3.1 Administration of Oath of Office to Youth City Council Officers.**

- 3.1.1 Councilman Bracken introduced the new Youth City Council Officials for the upcoming year as Adam Woolston, Mayor; Tanner Cox, Social Officer; Taylor Brandt, Service Officer; Monika Kowalski, Education Officer; Ben Pugmire, Recorder; Morgan Anderson, Treasurer; Morgan Valentine, Planning Commission; Grace Dallimore, Public Relations; Jake Hanson, Deputy Education Officer; Jordan Brandt, Deputy Public Relations Officer; Sean Robison, Deputy Recorder; Shery Liao, Deputy Service Officer; and Zach Kushlan, Deputy Social Officer.
- 3.1.2 The Oath of Office was administered to the Youth City Council Officers by Deputy City Recorder Kory Solorio.

#### **Standing Monthly/Quarterly Reports**

#### **3.2 Monthly Financial Report**

Finance Director Steve Fawcett presented the financial report for April. He reported that a review of revenue and expenditures resulted in an estimated year end revenue totaling \$620,000 in excess of the original budget. This may result in additional fund balance being available in fiscal year 2014 above the currently budgeted amounts. Mr. Fawcett also reviewed a chart showing the costs the City incurs for fire services from the Unified Fire Authority, and compared that cost to the amount of taxation to residents if the City were part of the Salt Lake Valley Fire Services Area which it was when the city first started. Over the course of the past eight years, taxpayers would have paid over \$10,000,000 more in taxes than what it has cost by contracting with the UFA. This illustrates the wisdom of the city council in exiting the fire district years ago and contracting back with UFA as a member city.

Mayor Cullimore gave a brief explanation of the difference between being a member of the fire service district or contracting with the fire service district.

A complete financial report is available on the City's website.

### 3.3 **Unified Fire Report**

Assistant Chief Mike Watson presented the unified fire report for the month of April. He stated that in terms of call volumes Station 110 came in 4th and Station 116 came in 17th in total calls by all UFA stations in April. 110 is typically one of the top four busiest stations. Call volume at station 116 is down because part of the territory it covered in years past is now covered by station 108 at the top of Big Cottonwood Canyon. Station 110 received 93 Advanced Life Support (ALS) calls resulting in 47 transports and 22 Basic Life Support (BLS) calls resulting in 13 transports. Station 116 received 43 Advanced Life Support (ALS) calls resulting in 21 transports; and 4 Basic Life Support (BLS) calls resulting in 0 transports.

Chief Watson reviewed the customer service report for both stations.

With the 4<sup>th</sup> of July and July 24<sup>th</sup> holidays right around the corner, the Chief pointed out the danger of urban interface fires and encouraged residents to be extremely careful with BBQs, campfires and fireworks and general fire safety. Firework restrictions for this year were discussed.

A complete UFA report is available on the City's website.

## 4.0 **PUBLIC HEARINGS**

### 4.1 **Public Hearing to Receive Input on (a) the Proposed Amended Budget for Cottonwood Heights for the Period of 1 July 2012 through 30 June 2013; and (b) the Proposed Budget for Cottonwood Heights for the Period of 1 July 2013 through 30 June 2014.**

- 4.1.1 Mayor Cullimore explained that a state law requires a public hearing be held to receive input on the proposed amended budget for the current fiscal year and the proposed tentative budget to be adopted for the next fiscal year.
- 4.1.2 Mr. Fawcett presented the budget and stated that there will be changes as the various line items are fine-tuned. The City is currently looking at a revenue and expenditure budget of approximately \$15 million. He noted that the budget includes a 19% increase to health insurance rates. Employees will pay 20% of the premium and the city will pay 80% of the premium as the budget now stands.
- 4.1.3 This year the COLA is proposed in the tentative budget at 1.71% which is taken from the consumer price index from December to December. He also explained the increases to the retirement system costs. Mr. Fawcett indicated he is working in the request of the council to do a combined merit and COLA increase of 2.5%
- 4.1.4 Mayor Cullimore recommended that a total compensation package be discussed. He expressed concern with regard to giving a 2.5% increase on one hand and then taking part of it back in higher health insurance premiums without a detailed analysis of the compensation. His preference was to move to an 85/15 split.
- 4.1.5 Mr. Fawcett said that June 11, 2013, will be the last day to submit changes to the budget. He also noted that a copy is in the City Recorder's office for the public to review.

4.1.6 **MOTION:** Councilman Bracken moved to open the public hearing on the fiscal year budget amendments and the tentative budget adopted for the next fiscal year. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

4.1.7 There were no public comments.

4.1.8 **MOTION:** Councilman Tyler moved to close the public hearing. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.

## 5.0 **ACTION ITEMS**

### 5.1 **Consideration of Resolution No. 2013-21 Approving Entry into an Interlocal Agreement for Management and Sharing of Street Centerline Data with Valley Emergency Communications Center**

5.1.1 Mayor Cullimore explained that the proposed resolution pertains to the approval of an interlocal agreement for the sharing of street centerline data with VECC.

5.1.2 **MOTION:** Councilman Shelton moved to approve Ordinance No. 2013-21. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote

### 5.2 **Consideration of Resolution No. 2013-22 Approving and Ratifying a Contract with Staker & Parson Companies for Street Improvement Projects along Union Park Avenue and 1300 East, Between I-215 Freeway and Creek Road**

5.2.1 Mayor Cullimore explained that the proposed resolution approves a contract with Staker and Parson companies for improvements to Union Park.

5.2.2 **MOTION:** Councilman Peterson moved to approve Ordinance No. 2013-22. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

## 6.0 **CONSENT CALENDAR**

### 6.1 **Approval of Minutes for May 14, 2013**

6.1.1 The minutes stood approved.

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

7.1 **MOTION:** Councilman Peterson moved to adjourn and reconvene the work meeting. The motion was seconded by Councilman Shelton and passed unanimously on a roll call vote. The business meeting adjourned at 9:31 p.m.

Minutes Approved: 06/11/2013