

MINUTES OF THE CITY COUNCIL MEETING HELD NOVEMBER 14, 2006, AT 7:00 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, Deputy City Manager Kevin Smith, City Treasurer Gary Harmer, Finance Director David Muir, Business License Administrator Kory Solorio, Public Relations Specialist Robert Warnick, Planning Director Michael Black

OTHERS PRESENT: Robby Russo, Corbett Ford, Ron Fullmer, Larry & Beverly Jensen, Jim Bacon, Tom Haroldson, John Lovato, Keith Biesinger, Mike Peterson

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Cullimore opened the meeting at 7:05 p.m. and welcomed those in attendance.

1.2 The Pledge of Allegiance was led by Councilman Thomas.

2.0 CITIZEN COMMENTS

2.1 Keith Biesinger, owner of the Hog Wallow Pub, said it is his understanding that the Council will be reviewing the business license fee proposal, which he had not seen. Mr. Biesinger was given a copy of the proposed fees.

Mayor Cullimore reviewed and explained the proposed fees that would be relevant to Mr. Biesinger's business. The fees are expected to increase from an average of about \$850 to \$1850 per establishment.

Mr. Biesinger questioned the inspection fees and explained that he is inspected by the DABC annually, the DABC enforcement on a random basis, Salt Lake County Health Department, and UFA. He questioned what the City will inspect that the State does not already cover.

3.0 REPORTS

3.1 Sheriff's Report

3.1.1 Detective Ford reviewed the statistics for the month of October. He stated that this month was almost identical to the month of September. Significant differences were found in the assault calls which went from 17 in September to 8 in October; family offenses which went from 23 in September to 33 in October; and burglaries which went from 12 in September to 17 in October.

In the area of 3100 East Turnagain Cove residents called in a vehicle burglary in progress. Several residents saw suspicious people outside, watched what they were doing, maintained phone contact with dispatch, and gave good descriptions, which helped the officers to apprehend the suspects. One adult and two juveniles were taken into custody. Detective Ford also reviewed an accident that occurred on Fort Union Blvd. /Union Park Ave. He noted that the biggest problem that occurs with traffic this time of year is running red lights which contributes to road rage incidents and to accidents. He encouraged residents to be especially careful during the

holiday season not to leave their cars running or leave items in their cars for extended periods of time, especially overnight.

Detective Bartlett updated the Council on several ongoing cases.

3.2 **Animal Control Services**

- 3.2.1 Officer John Lovato said that there have been no major incidences in the last quarter that would constitute a citation. Residents still need to be educated on what their responsibilities are in regards to their pets. He stated that there also needs to be further education on off leash areas. Barking dog calls have increased within the City, and Officer Lovato explained the process for dealing with those complaints. He noted that when there is a complaint regarding barking dogs there must be at least two complaints to open an investigation.

4.0 **ACTION ITEMS**

4.1 **Consideration of Ordinance No. 67 Approving An Amended Business License Fee Schedule and Amending Chart 5.06., Cottonwood Heights Code, to Incorporate Such Amended Business License Fee Schedule**

- 4.1.1 Robert Warnick, 7787 Mountain Estates Drive, stated that during the work session the comment was made that taxes and fees are the same thing, but he does not believe that is the case. He said that fees are for specific services and taxes are used for the general good of the public. He explained that if a business owner wants or is required to have specific services, the expectation is that the business owner pays a fee for that service, which it is not paid out of general revenue funds. He said that as a taxpayer he does not believe that he should have the responsibility of subsidizing those that are in a business. Business owners generally pass the costs of doing business onto the people that use their service. Mr. Warnick believes that the City should distinguish between taxes and fees.
- 4.1.2 Deputy City Manager Kevin Smith discussed what kind of inspections are done with the Sheriff's office with Sgt. Brenneman and as a result removed some of the costs. Often, physical inspections are not done, but background checks are done on certain types of businesses. Mr. Smith also explained that in discussion with Don Buckley, Fire Inspector, he learned that the UFA tries to inspect all businesses every year. Depending on the type of business, some are inspected by the inspector, and others need the use of a truck and a crew.
- 4.1.3 Councilman Bracken asked how much data typically is used to generate this type of study.
- Matt Millis, Lewis Young Robertson & Burningham, Inc. explained that in doing a business license fee study they try to use three to four years of data. When studies are done for newly incorporated areas comparables are used from other communities that have similar mixes of demographics. He said that there has been sufficient data to perform the analysis that has been completed.
- 4.1.4 **MOTION:** Councilman Jones moved that the proposed fee schedule be approved with the caveat that by category, the increased fees for any license applicant not exceed 150% of the average of

the last year's license fee for the category; with the exception that the apartment fee be adopted as proposed. The motion was seconded by Councilman Bracken.

DISCUSSION: Councilman Thomas questioned the 150% average.

Councilman Jones stated that he would like to have some limiting factor to the increase and believes that 25% is too low.

Mayor Cullimore stated that he would prefer to postpone consideration of this ordinance for two weeks and look at it in depth by category. He said that a general limitation creates extra work for the Staff and is not specific in its application.

Councilman Antczak agreed with the Mayor's comments,

Councilman Thomas said the Council has spent a lot of time on this issue and questions if much would change.

VOTE: The motion failed on a vote of 4-1 with Councilmen Thomas, Bracken, Antczak, and Mayor Cullimore voting no.

- 4.1.5 **SUBSTITUTE MOTION:** Councilman Bracken moved to postpone adoption of Ordinance No. 67 for two weeks. The motion was seconded by Councilman Thomas and passed unanimously on a voice vote.
- 4.2 **Consideration of Ordinance No. 68 Rezoning 5.59 Acres of Real Property Located at 2725 East Creek Road From RR-1-21 to R-1-10 and Amending the Zoning Map (Rod Folkerson Parcel)**
 - 4.2.1 Planning Director Michael Black reviewed the subject property. He noted that the proposed rezoning is consistent with the General Plan and the Planning Commission and Staff recommend approval.
 - 4.2.2 Dade Rose, representing Rod Folkerson, Sue Barlow and Brett Steele, explained that the developed property surrounding this parcel is also zoned R-1-10.
 - 4.2.3 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 68 rezoning 5.59 acres of property located at 2725 East Creek Road from RR-1-21 to R-1-10 and amending the zoning map. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.
- 4.3 **Consideration of Ordinance No. 69 Naming the Street Located at 2552 East 6485 South as "Dolce Vita Court"**
 - 4.3.1 Deputy City Manager Kevin Smith reviewed the subject property. He stated that he received letters from all effected residents agreeing to the naming of the street.

- 4.3.2 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 69 naming the street located at 2552 East 6485 South as “Dolce Vita Court”. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.
- 4.4 **Consideration of Ordinance No. 70 amending Cottonwood Heights Code Section 19.76.340, “Fences.”**
- 4.4.1 Planning Director Michael Black explained that currently there is no limit on fence height and the proposed ordinance would set a height limit and allow staff to make determinations on whether or not people could increase their fence height to eight feet.
- 4.4.2 **MOTION:** Councilman Thomas moved to adopt Ordinance No. 70 amending the Cottonwood Heights Code to set a limit on fence heights and allow Staff to determine an increase in heights in specific situations. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.
- 4.5 **Consideration of Resolution No. 2006-44 Designating the Big Cottonwood Trail as the Primary Priority Under the Urban Trails Element of the Cottonwood Heights General Plan**
- 4.5.1 Mayor Cullimore stated that this Resolution will enable the City to qualify for grant money and to declare the priority of this project.
- 4.5.2 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-44 designating the Big Cottonwood Trail as the primary priority under the Urban Trails Element of the General Plan. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.
- 4.6 **Consideration of Resolution No. 2006-45 Approving an Interlocal Agreement with Utah Department of Transportation for Installation and Maintenance of a Gateway Feature (Highland Drive/I-215)**
- 4.6.1 Mayor Cullimore explained that this Interlocal agreement is for the City’s monument sign located at the freeway exit.
- Deputy City Manager Kevin Smith stated that this gives the City the right to place a sign at this location and gives UDOT the right to remove it if necessary. The City will maintain the sign.
- 4.6.2 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-45 approving an Interlocal Agreement with UDOT for the installation and maintenance of a sign. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.
- 4.7 **Consideration of Resolution No. 2006-46 Approving an Amended Interlocal Agreement Creating the Valley Emergency Communications Center (VECC) to Add the City of Cottonwood Heights As An Additional Member**
- 4.7.1 Mayor Cullimore said that the VECC agreement had to be amended to accept Cottonwood Heights as a member City and this Resolution will approve that agreement.

- 4.7.2 **MOTION:** Councilman Thomas moved to approve Resolution No. 2006-46 approving an amended Interlocal Agreement to add Cottonwood Heights as an additional member. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.
- 4.8 **Consideration of Resolution No. 2006-47 Approving Entry into an Interlocal Agreement with Salt Lake County For Co-permitting UPDES Storm Water Permit No. UTS000001**
- 4.8.1 Deputy City Manager Kevin Smith explained that this will protect the City's storm drains by requiring that the disturbance of more than one acre of property will call for filing a storm water management plan and the City will do inspections on the projects.
- 4.8.2 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-47 approving entry into an Interlocal Agreement with Salt Lake County for the UPDES Storm Water Permit. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.
- 5.0 **CONSENT CALENDAR**
- 5.1 The minutes of October 24, 2006, were approved as submitted.
- 6.0 **ADJOURNMENT**
- 6.1 Councilman Jones 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 8:30 p.m.

Approved: 11-28-06

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman