

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,  
FEBRUARY 24, 2015, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL  
CHAMBERS

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

Staff Present: City Manager John Park, Deputy City Manager Linda Dunlavy, Senior Planner Glen Goins, Finance Director Steve Fawcett, Police Chief Robby Russo, Public Relations Specialist Dan Metcalf, Assistant Fire Chief Mike Watson, City Attorney Shane Topham, Public Works Director Mike Allen, City Engineer Brad Gilson

Excused: Community Development Director Brian Berndt

Others Present: Sheryl McCallister, Lynn Kraus, Nancy Dahill, Gary McGee, Jill McGee, Jonathan Stowell, Pamela Palmer, Mark Machlis, Kent Andersen, Nancy Hardy, Janie Wilson, Hyatt Nebeker

1.0 **WELCOME – PLEDGE - ACKNOWLEDGEMENTS**

1.1 Mayor Cullimore called the meeting to order at 7:03 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Hyatt Nebeker from Scout Troop 115.

2.0 **CITIZEN COMMENTS**

2.1 Jill McGee encouraged the City Council to amend Code Section 19.78.090 regarding net density being based on overall acreage and instead base it on buildable acreage. She also urged the Council to amend Code Section 19.78.120 regarding open space and basing it on buildable acreage. She asked what the time frame would be for the Council to consider her recommendations.

2.2 Mayor Cullimore explained that an ordinance amendment starts with staff recommendations, then to the Planning Commission and ultimately is presented to the City Council. Upon approval by the City Council the amended ordinance becomes law.

2.2 Sheryl McCallister expressed concern after reviewing the city-initiated proposed text amendment to Chapter 19 introducing a Planned Development District (PDD). She stated that Cottonwood Heights' viewscape is relatively unspoiled and she believes the draft will put an end to that. She expressed opposition to the proposed City Hall and the lack of height restrictions along Wasatch Boulevard. Due to the City's topography, she is of the opinion that Cottonwood Heights is not a walkable city. She suggests working with local merchants to come up with a transit solution such as she saw in California where merchants provided vouchers for people to take a cab or transit to visit their establishment.

2.3 Gary McGee expressed appreciation to the City for working toward live audio streaming of City meetings. He encourages staff to make the audio available after meetings.

2.4 Pamela Palmer stated that she is concerned that citizen comments are not being taken more seriously. She gave her account of a recent planning commission meeting she attended and she

believes that some commissioner's clearly voted without considering citizen comments. Ms. Palmer is of the opinion that it is up to the City Council to ensure that the Planning Commission is considering citizen comments in making decisions. (comments attached)

- 2.5 Mark Machlis, from CH Voters, thanked the City Council for hearing their comments and stated that he was also present at the meeting Ms. Palmer attended concerning the property rezone. He feels the Planning Commission did not take staff's recommendations seriously regarding the Residential Office Restricted Zone. Historically, he believes the corridor has been protected from Big to Little Cottonwood Canyons from commercial development. He encourages the Council to seriously consider the zoning. He believes that it is not appropriate to have offices there especially not with the conditional uses allowed in the RO Zone.
- 2.6 Kent Anderson, a Danish Road resident, reported that he spoke to 54 different households regarding the Giverny appeal he filed. He believes they all agree unequivocally with his appeal and that they are also concerned with traffic and lot sizes. He stated that he witnessed the developer and commissioners having a discussion at a recent planning commission meeting and feels that although he gave public comment regarding the development that the commission already had their minds made up about the development. He expressed concern with the proposed lot sizes and traffic of the proposed Giverny development and stated that he has not seen anything in the information he was provided addressing water and sewer.
- 2.7 Mayor Cullimore confirmed that the appeal goes to the Board of Adjustment and the City Council has nothing further to do with it. Water and sewer restrictions are regulated by Code and are not subject to the Planning Commission.
- 2.8 Nancy Hardy believes there is no unity between City officials and the public and that it appears even a lack of unity between the Planning Commission and the City Council.
- 2.9 Mayor Cullimore stated that the matters to which Nancy referred are long term planning initiatives. The studies being presented are 20 to 30-year plans. The discord that occurs during meetings is typical of government. There is always going to be the appearance of discord as the public forum is open to many different opinions and voices. The City is sensitive to input from various constituencies and tries to be responsive to all perspectives. The General Plan is still being worked on and they are trying to see how it can be improved in the future. Each group has their individual purpose and even though there may not appear to be an immediate direction, it is part of the process and they are working toward a resolution. Having 35,000 citizens' means there are likely 35,000 different opinions. The appearance of disunity is the produce of an open process.
- 2.10 Lynn Kraus expressed concern with the proposed PDD text amendment and the lack of height restrictions in the Tier 1 area of the gravel pit. Enforcing parameters was identified as extremely important and restrictions were encouraged. It is recommended that reclamation projects be further researched.
- 2.11 Councilman Bracken believes the intent of the proposed PDD text amendment is to impose heights restrictions as part of the zoning process.
- 2.12 Janie Wilson is concerned with safe pedestrian transport. She is not opposed to PUDs and believes low, medium, and high density housing can co-exist if they have the right infrastructure. She feels the City is not being clear about new development, including PUDs.

- 2.13 Gary McGee concurred with Mr. Machlis' comments regarding the residential office potential of rezones of property on Wasatch Boulevard. He believes this will open the floodgates and set a precedent for future development.

### 3.0 **REPORTS – PROCLAMATIONS - RECOGNITIONS**

#### **Standing Monthly - Quarterly Reports**

#### 3.1 **Financial Report**

Finance Director, Steve Fawcett, presented the Financial Report for the month of January 2015. He stated that currently sales tax collections are being projected at 101.58% of the prior year. The only source of revenue with a downward projection of \$23,000 is the fee in lieu of property tax. On the expenditure side, all departments are doing well.

#### 3.2 **Unified Fire Report**

Assistant Fire Chief, Mike Watson, presented the Unified Fire Report for the month of January. He stated that in terms of call volume Station 110 came in 4th and Station 116 came in 15th overall among all UFA stations. There were a total of 57 fire calls and 215 medicals calls for the month. Station 110 had 143 total medical calls with 74 Advanced Life Support (ALS) calls resulting in 58 transports; and 69 Basic Life Support (BLS) calls resulting in 7 transports. Station 116 had 65 total medical calls with 32 Advanced Life Support (ALS) calls resulting in 21 transports; and 33 Basic Life Support (BLS) calls resulting in 2 transports.

The customer service message included paramedic student ride-a-longs, Vertex training, battalion training, high school intern ride-a-longs, avalanche training, and one station tour. The safety message included potential complications that technology can create when calling 9-1-1 and what you need to know when calling for emergency assistance from your cell phone.

### 4.0 **ACTION ITEMS**

#### 4.1 **Consideration of Resolution Number 2015-10 Approving Entry into an Interlocal Agreement with Salt Lake County for Election Services (2015 Primary and General Elections)**

- 4.1.1 Mayor Cullimore explained that the proposed resolution is to approve an Interlocal Agreement with Salt Lake County for Vote by Mail election services for this year's municipal election. There will be one open poll on Election Day for those who do not wish to vote by mail.
- 4.1.2 Councilman Tyler commented that the results of the City election two years prior showed that voter turnout increased from 18 to 41 percent. He expressed his support for the proposed resolution.
- 4.1.3 Councilman Peterson remarked that the fact of seeing more absentee ballots speaks for its self. He expressed his support for the proposed resolution.
- 4.1.4 Councilman Bracken considers Vote by Mail to be advantageous and aids those who wish to be more informed.

- 4.1.5 **MOTION:** Councilman Shelton moved to approve Resolution Number 2015-10. The motion was seconded by Councilman Bracken. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.
- 4.2 **Consideration of Resolution Number 2015-11 Approving and Ratifying an Agreement with Sorenson Legacy Foundation**
- 4.2.1 Mayor Cullimore explained that the proposed resolution involves an agreement with Sorenson Legacy Foundation awarding the Cottonwood Heights Arts Council Orchestra a grant in the amount of \$3,000.
- 4.2.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2015-11. The motion was seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.
- 5.0 **CONSENT CALENDAR**
- 5.1 **Approval of Minutes for February 10, 2015**
- 5.2 The minutes stood approved.
- 6.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**
- 6.1 **MOTION:** Councilman Bracken moved to adjourn the Business Meeting and reconvene the Work Meeting. The motion was seconded by Councilman Shelton and passed unanimously on a voice vote. The business meeting adjourned at 7:55 p.m.

Minutes Approved: 03-10-2015

Feb. 24 City Council Meeting  
Pamela Palmer  
801-947-5777

I am concerned that citizen comments are not being considered as seriously as they should be. For example I attended the Feb. 4 Planning Commission meeting addressing the rezoning of 8595-8959 S Wasatch Dr. to an R-O zone per the city council's request to staff for additional options for Mr. Neff.

Upon opening council discussion, Comm. said, "to refresh the commissions' memory, is Mr. Neff in attendance? Would you like to speak?" Mr. Neff was given four minutes to provide a history of the property and answer questions.

In this case the landowner was asked to present his case, but other public attendees were denied an opportunity to be invited to share their comments. Furthermore, it was misstated in the meeting that public comments had been heard for the rezone to R-O. Obviously this was not the case as the R-O rezoning had been just introduced at this Feb. 4 meeting.

Also during the meeting there was much commission conversation about not being able to remember the citizens' comments at the previous meetings. In fact Comm. Peters made a motion to table the application for R-O for one meeting because "the commission itself is somewhat confused with what the public comment has been in our previous meeting. And I think one meeting would go a long way to clarify all these issues."

After the meeting I asked Comm. Janke how it was possible that they voted to recommend the R-O zone when dozens and dozens of people had spoken on their objections to rezoning to R-2-8, and the commission had agreed, voting against an R-2-8. Comm. Janke said, "I remember a lot of people spoke at the meeting, but I didn't remember anything they said." When I asked if she could have read minutes of the meeting to review the citizens' comments, she said that she didn't have time.

I also asked Comm. Walker why he called Mr. Neff to comment and refresh the commissions' memory, but he would not call on any of the three attending citizens raising their hands to also comment. He replied, "Because I could. It is my right." When I commented that his not doing so made it seem the earlier Planning Commission meetings were capricious with no intent to consider citizens' input. He said that was indeed not the case and that the commission took citizen comments very seriously. However, in further discussion Comm. Walker said he had missed the prior Planning Commission meeting on the rezoning and had not heard *any* of the citizens comments. I asked him why then he would vote with no knowledge of what his constituents thought. He said, "I have an obligation to vote." Am I left to assume that Comm. Walker considers it is an obligation to make uninformed decisions.

Clearly in this case some commission members voted without considering citizen comments. Even Comm. Peters saw the commission's needed to slow down and get a handle on the rezoning matter before them. When citizens' comments are not considered, it causes people to appeal decisions because they have not been heard, and then it causes more work for staff and time delays. It is up to the city council to make certain that the planning commission is considering citizens' comments in its decision making.