

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY, DECEMBER 15, 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 Mike Peterson, Councilman Tee Tyler

Staff Present: Deputy City Manager Linda Dunlavy, City Manager John Park, Community and Economic Development Director Brian Berndt, Assistant City Manager Bryce Haderlie, City Attorney Shane Topham, Finance Director Dean Lundell, Public Works Director Mike Allen, Public Relations Specialist Dan Metcalf, Police Chief Robby Russo, City Treasurer Dave Muir

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Kelvyn Cullimore called the meeting to order at 7:00 p.m. and welcomed those attending. He said that due to a roof leak in the City Council Chamber, the meeting was moved the Training Room.

1.2 Councilman Shelton led the Pledge.

2.0 CITIZEN COMMENTS

2.1 Jonathan Sanbro, Deer Creek Circle, stated that he has lived in Cottonwood Heights since 2009 and has noticed a significant change in snow removal on his street. They have a considerable hill into the neighborhood, and if topography is taken into consideration, Deer Creek should be a priority and it was missed. Mr. Sanbro stated that when the plow finally arrived, it was a full-size pickup and could not make it up the hill with the blade down. As a result, three or four inches of wet snow remained in the road, which presented a hazard all the way down to Creek Road. He said that he has heard comments from many citizens that they want to go back to the County and he agreed. He asked if there was an opportunity to make that change when the Terra Care contract ends.

2.2 Mayor Cullimore explained that when the decision was made to move away from the County, the Council was aware that the County was planning to divest of its snow plowing operations and move them along with all public works to a special service district. Because that was in the works, the City tried to get ahead of the situation since the expectation was that costs under the new district would increase significantly. As a result, the move was made to Terracare and a 3 ½-year contract was entered into, which will end June 2017. He explained that if we then go back to the County and a new special service district, we begin with a new crew, and questioned whether the situation would be any better. The other option would be for the City to take on the task and do it themselves.

Mayor Cullimore noted that he understands that there is a frustration with what is perceived to have been a better service previously, and assured those present that all options are being explored. The Mayor stated that the most recent storm was a record event, however, the goal is to have the plowing completed within 24 hours after the storm. He noted that some things were done extremely well, such as keeping the main arteries and heavily used roads open during and after the storm. But attention to the residential areas was inadequate.

- 2.3 Cary Bybee, 7563 South Fieldstone Lane, said that three years ago the City was introduced to Terracare. After the first snow storm they failed miserably and the citizens were promised that that would be taken care of. Last year was a minimal snow year and Terracare performed admirably. This year there has been another heavy storm to start the season and they have not performed well. He said that the equipment they use is inadequate and cannot handle the number of miles of roads that the City has. He questioned what could be done and whether there were penalties in the contract. Mr. Bybee explained that Fieldstone Lane is a short road with only six houses and a cul-de-sac, and after 36 hours there was still 25 inches of snow. He commented that there are widows and working people who had to miss work because they could not get out. He said that had he not called Councilman Tyler, he doubted his road would have been plowed. He also commented on the City's snow hotline and considers it to be ineffective. He also left a message with the Public Works Director but never received a call back, and only received help when he called his Councilman, which he did not think should have been necessary.
- 2.4 Dennis Magero thanked City Manager John Park for responding to his email, but stated that his street is still quite bad. He hopes the situation will continue to improve.
- 2.5 Louise Jacobs, 8717 Sugarloaf Drive, stated that before she retired she recalled that Salt Lake County did the City's snow removal. At that time, they had snow plows come at 4:30 or 5:00 a.m., which she did not object to because she knew the roads were being well taken care of. She said that she did not recall a time when she left for work that the roads weren't plowed. That is not the case now, and in fact her son could not get out yesterday morning. Ms. Jacobs considers the equipment to be part of the problem. She said that this afternoon, one truck came to plow and appeared to get stuck in the cul-de-sac at the end of the street; and later another truck came through and plowed a small space in the middle of the street that was barely wide enough for one car. She said that she is confident that the Council will make the best decision for the citizens in the future.
- 2.6 Gene Bosley, Deer Creek Circle, agreed that the equipment used by Terracare has been inadequate for the job. With regard to priority, he stated that cul-de-sacs are last and questioned the wisdom in that decision.
- 2.7 Mindy Hamilton questioned the Mayor about the County's special service district, and the potential of starting with a new crew. She asked if it was a fact that the County personnel would not be providing the snowplow services.

Mayor Cullimore stated that the County personnel will likely transfer to the special service district; however, when the City separated from the County several years ago the County did not have jobs for those workers and most are now gone. As a result, if we contracted with the new service district they would have to staff up and hire new people. They would also have to acquire new equipment to service the City.

Ms. Hamilton said that she lives on the corner of a Priority 2 street, which is on a bus route so they are serviced early, however, they are on a hill with a stop sign at the bottom and if it is icy it is difficult to stop. She also was told that the County uses a brine solution on roads rather than salt and sand.

Mayor Cullimore was not sure what the County uses, but stated that UDOT uses a brine solution, which is beneficial on major highways.

Ms. Hamilton also felt that the special service district would be able to handle equipment breakdowns better than Terracare or the City. She said that the County had a goal of 12 hours to clear streets and although they didn't always achieve that goal, they come close.

The Mayor stated that with the most recent storm it took until Wednesday for the County to get to the side streets in the areas they plow which was much longer than 12 hours.

Ms. Hamilton commented that in the 17 years she has lived in her residence in Cottonwood Heights, she had never missed a day of work because of bad roads until this storm.

- 2.8 Julee Attig, 7683 Winterdale Circle, thanked the City for finally plowing her cul-de-sac earlier in the evening. She said that there are two points of access, one of which is Mountain Estates Drive, which is notoriously packed with cars because of the multi-family housing and is difficult to get in and out. Due to the parking the entire street cannot be plowed and questioned how parking is enforced. She thanked those who manage the City's central media platforms for responding to comments in a professional manner.
- 2.9 Chris Bertram, Toni Circle, was asked to speak on behalf of his neighbors. He has lived in Cottonwood Heights since 1980. He drove the City yesterday and noticed that there were miles of unplowed roads. He also dealt with his senior neighbors trying to get in and out of their homes. Mr. Bertram said that Cottonwood Heights is the gateway to multiple ski resorts so a snow plow plan is needed to service the community and move residents and visitors safely during winter storms. Mr. Bertram asked if the City plans to continue its contract with Terracare once it expires. He expected more from the provider and is disappointed in the current service being provided. He also asked if the City would consider going back to the County under a contract or partnering with the new special service district once the contract expires. He said that while they don't have the plows, they have experienced drivers and the ability to purchase the needed equipment. Lastly, he asked what the City plans in order to avoid a repeat of this issue in the future.

He stated that many citizens feel disenfranchised and dismissed, which must be addressed and improved.

- 2.10 Mike Hanson, said that many of his questions were answered by the comments made. He asked the Mayor to comment further on the special service district, because it was his understanding was that there is no way to go back to how things were with the County.

Mayor Cullimore commented that the new district will be separate from the County and may not have the same resources as the County in terms of purchasing power or financial resources. They will have to hire new drivers and equipment if we contract with them. He felt that the expectation was for the City to save money and expected the service to be much better than it has been so far. He recognized that there is a perception problem that was created the first year, and the challenge for Terracare is overcoming that initial image by providing superior service

- 2.11 Councilman Bracken noted that not all special service districts are interested in contracting their services. While the City cannot go back to the County, they can keep their options open including the possibility of evaluating the special service district option. He commented that he shares the citizens' frustrations and is not satisfied with the service provided thus far. Terracare had months to prepare and show that they can handle a storm of this magnitude.

- 2.12 Paul Longhurst, Proctor Farms Circle, stated that they were annexed into the City at the end of the year. Just prior to the annexation, a meeting was held to make the decision of whether to incorporate into Sandy City, remain independent, or join Cottonwood Heights. A number of topics came up during the discussion including snow removal. The citizens were assured that snow removal issues had been addressed and would not be an issue going forward. Mr. Longhurst said he has lived in his home for nine years and his area was not serviced during the most recent storm. The neighbors took matters into their own hands yesterday and plowed their circle themselves. One truck attempted to come into the Circle Monday night and one came in this morning about 6:30 a.m. but he felt like Terracare was "bringing a knife to a gun fight". Mr. Longhurst also noted that the service was better with the County. A neighboring street that was annexed into Sandy City had clear roads the previous day by 6:00 p.m. It seemed to him that as part of the contract the City has with Terracare there should be some level of service established by contract and if that is not being met there should be penalties or relief for the City. He asked for the details of the contract and felt that one of the provisions should allow them to exit the contract early.

- 2.13 Mayor Cullimore recalled the meeting with the neighbors prior to the annexation and stated that Mr. Longhurst's street is easy to service because they are along Creek Road. The fact that it didn't happen indicates that there may have been a miscommunication. He assured Mr. Longhurst that this is not how the newest residents should be treated and the problem would be addressed so they receive more timely service in the future.

- 2.14 Justin Stewart, Terracare Associates, reported that the heavy storm came in quickly. They developed a priority system with the City to service the network and the plan was implemented. Changes can be made to the priorities and equipment, which have been addressed with staff. Mr. Stewart stated that they have good personnel but this storm was very wet and heavy. Their staff has worked diligently to service the City.
- 2.15 Mayor Cullimore stated that the standard has been to have the roads cleared within 24 hours of a storm. In this case, the snow stopped about 12 hours ago yet there are still streets that have not been touched and need attention. He asked what the plan is and whether residents can expect that by morning the roads will all have been plowed again. The City was told that within six hours, every street in the City can be cleared. If that is true, they have 12 hours before the morning commute and all routes should be serviced again tonight before the next storm hits.

Mr. Stewart felt that timeline was realistic. He explained that when they plow there are some streets that are so packed that they have to remove the loose material on top and apply salt to loosen the ice, and the process is followed repeatedly. He said that priority 3 and 4 roads have been the worst in terms of being snow packed and icy and the plows continue to go over them.

- 2.17 Councilman Tyler said he personally witnessed the F-550s going into sloped circles in his area and give up and not plow because they do not have the weight to do the job and will not work. He said that the equipment is the problem, not the process.

Mr. Stewart agreed to work with staff to make the necessary changes. He noted that cul-de-sacs are smaller and sometimes smaller equipment does a better job.

Mayor Cullimore felt that because the Ford 550's and other smaller vehicles are undersized Terra Care has lost a lot of credibility. Terra Care needs to be knowledgeable enough to send the proper equipment to do a specific job. The Mayor also commented that when they are delayed getting to Priority 3 and 4 areas and the roads get packed, they have to be gone over numerous times to clear them. If there is enough equipment servicing them as the storm is evolving, they may need only one or two passes rather than three or four. With regard to maintenance, it was noted that representatives from Terracare have attended City Council Meetings for the past two to three months. During that time, they have discussed their equipment, preparedness, and maintenance. Yet despite the assurances of preparation and maintenance, a bobtail five-ton truck broke down near Smith's and remained there for more than 36 hours.

Mr. Stewart stated that the bobtail had an electrical issue which occurred after months and months of maintenance preparation.

The Mayor stressed the importance of having assurance that the equipment has the ability to do the job and in addition, there should be additional backup vehicles available.

- 2.18 The Mayor reported that a citizen who lives on Nutree Circle complained that a snow plow driver piled snow in her driveway exceeding six feet, which prevented her from leaving her home. The snow should have been placed in an alternative location rather than her driveway.
- 2.19 Mr. Stewart explained that the Priority 1 network takes about 1 ½ hours to complete with three trucks and when heavy snow starts, it is necessary to repeat runs of the Priority 1 roads. Priority 2 roads have been divided into two routes, with three trucks assigned to each route and typically takes two to three hours to complete, depending on the amount of snow. He explained that there are more hills in the Priority 2 network, which results in more time to complete. In addition, once the hoppers are emptied, there is a 30-minute delay to load salt and begin the route again. On average, materials are refilled once or twice per 12-hour shift.
- 2.20 Chris Bertram commented that he expects a higher level of service and fiscal responsibility. He challenged the Council to find a solution this year to avoid problems in the future.

3.0 **REPORTS**

3.1 **Fiscal Year 2015 Comprehensive Annual Financial Report**

- 3.1.1 Russ Olsen, from Larson & Rosenberger, LLC, presented the audit for fiscal year ending June 30, 2015. He stated that the financial statements are correct and gave a clean opinion. He reviewed the Government Auditing Standard's Report. He stated that the State Compliance Report includes certain laws that govern the City's activities. His opinion is that in all material respects, Cottonwood Heights has complied with the requirements. The report also includes a summary of funds received from the state, which are detailed. Mr. Olsen recognized the efforts of staff who put the information together.
- 3.1.2 Mayor Cullimore reported that when an audit takes place there are three levels of findings. The first is a material weakness, which means there is a serious problem with the financials that needs to be corrected; and the second is a significant deficiency, which identifies problems with internal controls. No material weakness or significant deficiency was found. The third includes observations that identify areas where improvement should be made, but no observations were made. The Mayor was very pleased with the Audit Report and acknowledged the work of City Treasurer Dave Muir and Finance Director Dean Lundell.
- 3.1.3 A complete copy of this report is available on the City's website.

3.2. Standing Monthly Reports

Monthly Financial Report

- 3.2.1 Mr. Lundell presented the financial report for the month of November 2015. He reported that sales tax collections are 7.15% higher this month compared to the same month last year. The importance of December collections was acknowledged.

Mayor Cullimore stated that the December figures are not received until February. The franchise tax was delayed by one month and should be received by the end of December.

Mr. Lundell stated that franchise taxes vary from year to year based on the price of gas and electricity. A bar graph was displayed showing the anticipated revenues for the year, which are \$50,000 above average.

Mayor Cullimore reported that the financial statements reflect that there was a \$2,000,000 unassigned balance in the General Fund and a \$3,000,000 unassigned balance in the Capital Projects Fund. He indicated that those figures were savings to be applied to future expenditures.

Unified Fire Report

- 3.2.1 Assistant Fire Chief, Mike Watson presented the Unified Fire Report for the month of November. Station 110 received 110 calls and Station 116 received 77. The average number of calls during the month of November looking over the last five years was 64 calls.

Mayor Cullimore informed those present that the reporting mechanism was modified in April, which resulted in very consistent reports and increased accuracy.

Chief Watson next reported on fire and medical calls for the month of November. 56% of the calls to Station 110 resulted in transports while 43% of the calls from Station 116 resulted in transports. In reviewing the twelve month average, the total transports were 50.7 with 34.2% being ALS (Advanced Life Support) transports and 16.5% being BLS (Basic Life Support) transports. Chief Watson noted that the percentage of transports has increased.

Customer service performed by Stations 110 and 116 were reviewed. In November an Open House was held for Station 110 with a pancake breakfast and education training. The event was a great success.

The safety message pertained to winter safety and keeping warm in the cold weather.

4.0 ACTION ITEMS

4.1 **Consideration of Resolution No. 2015-79 Accepting Requests for Indemnification.**

4.1.1 Mayor Cullimore explained that the proposed resolution pertains to a City employee who was named in a lawsuit.

4.1.2 **MOTION:** Councilman Bracken moved to approve Resolution Number 2015-79. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Councilman Bracken-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

4.2 **Consideration of Resolution No. 2015-80 Approving an Amendment to an Agreement with Emily Adams d/b/a EMD Graphics.**

4.2.1 Mayor Cullimore said that the proposed resolution approves an amended and restated agreement for graphic design and layout services. Emily Adams serves as the City's Graphic Designer and helps with the newsletter layout, as well as miscellaneous projects.

Public Relations Specialist Dan Metcalf commented that Emily has been very good about making the needed changes and has done an excellent job for the City.

4.2.2 **MOTION:** Councilman Peterson moved to approve Resolution Number 2015-80. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Councilman Bracken-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

4.3 **Consideration of Resolution No. 2015-81 Consenting to an Appointment to the Planning Commission.**

4.3.1 Mayor Cullimore reported that there is a Planning Commission vacancy in District 2 and the City advertised the opening in the newsletter. An application was received from Greg Griffin who was interviewed and came highly recommended. Mr. Griffin will complete Jeremy Lapin's current term of office ending June 30, 2018.

4.3.2 **MOTION:** Councilman Bracken moved to approve Resolution Number 2015-81. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Councilman Bracken-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

4.4 **Consideration of Resolution No. 2015-82 Consenting to Reappointments to the Historic Committee.**

4.4.1 Mayor Cullimore reported that Beverly Lund and Sylvia Orton have done outstanding work on the Historic Committee and are willing to serve another term.

4.4.2 **MOTION:** Councilman Peterson moved to approve Resolution Number 2015-82. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye,

Councilman Peterson-Aye, Councilman Tyler-Aye, Councilman Bracken-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

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

5.1 **MOTION:** Councilman Tyler moved to adjourn the Business Meeting and reconvene the Work Session. The motion passed unanimously on a voice vote.

5.2 The Business Meeting adjourned at 8:40 p.m.