

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING**
2 **HELD TUESDAY, JUNE 27, 2017 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY**
3 **COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD,**
4 **COTTONWOOD HEIGHTS, UTAH**
5

6 **Members Present:** Mayor Kelvyn Cullimore (participated via telephone), Mayor Pro Tem Scott
7 Bracken, Councilman Mike Peterson, Councilman Mike Shelton, Councilman
8 Tee Tyler
9

10 **Staff Present:** City Manager John Park, Assistant City Manager Bryce Haderlie, Interim City
11 Attorney Shane Topham, Finance Director Dean Lundell, Assistant Fire Chief
12 Mike Watson, Police Chief Robby Russo, Community Development Director
13 Brian Berndt, City Recorder Paula Melgar, Finance Director Dean Lundell,
14 Public Works Director Matt Shipp
15

16 **Excused:** Public Relations Specialist Dan Metcalf
17

18 **1.0 WELCOME**
19

20 1.1 Mayor Pro Tem Scott Bracken called the meeting to order at 7:00 p.m. Mayor Kelvyn
21 Cullimore was present via electronic means (speakerphone).
22

23 1.2 The Pledge of Allegiance was led by Councilman Peterson.
24

25 **2.0 PUBLIC COMMENT**
26

27 2.1 There were no public comments.
28

29 **3.0 PUBLIC HEARING**
30

31 **3.1 Public Hearing on the proposed Budget Amendment for 2016-2017 Fiscal Year.**
32

33 3.1.1 Councilman Bracken reported that the above ordinance adopts an amended budget for the
34 2016-2017 fiscal year. He stated that the Code of Ordinances contains a Consolidated Fee
35 Schedule, which lists the fees charged by the City.
36

37 3.1.2 Finance Director, Dean Lundell, reviewed the proposed budget amendment and stated that
38 there are five items being amended: wages and allocations, the handling of paid time off
39 accrual, CDRA legal and finance expenses, insurance claims, and transferring additional funds
40 for capital projects to allow for a buffer to cover the expenditure of bond proceeds.
41

42 3.1.3 Mayor Pro Tem Bracken opened the public hearing. There were no comments. The public
43 hearing was closed.
44

1 **4.0 STANDING MONTHLY REPORTS**

2
3 **4.1 Monthly Financial Report – Finance Director Dean Lundell.**

4
5 4.1.1 Mr. Lundell presented the Financial Report for the month of May 2017 and stated that sales
6 tax revenue through March 2017 was lower than the previous year and budget. Year to date,
7 revenues are approximately \$70,000 under budget. As of April 2017, Municipal Energy Taxes
8 and expenditures were on track as anticipated.
9

10 **4.2 Unified Fire Report – Assistant Chief Mike Watson.**

11
12 4.2.1 Assistant Chief, Mike Watson, presented the Unified Fire Report for the month of May 2017
13 and stated that medical calls closed at 147. Station 110 closed at 118 calls compared to the
14 average of 118.8. Medical calls closed at 96 compared to the average of 92. Station 116
15 closed at 62 compared to 71.4. Medical calls closed at 52 compared to the average of 52.5.
16 Stations 108 and 116 had six calls in the canyon. All were in Station 108's portion of the
17 response area. Little Cottonwood Canyon received nine calls with Station 116 responding to
18 one of the calls. Top May medical calls included psych and behavioral, traffic accidents, falls,
19 and fainting episodes. Top fire calls included alarm calls, natural gas leaks, and house/high-
20 rise or shed fires. Station 110 transported 28 of 39 Advanced Life Support (ALS) calls and
21 14 of the 57 Basic Life Support (BLS) calls. Station 116 transported 17 of 26 ALS calls and
22 12 of 25 BLS calls.
23

24 4.2.2 The safety message involved firework safety. Staff referred citizens to the City's website for
25 details. Mr. Watson reported that restrictions were set forth in the newsletter and on social
26 media.
27

28 **5.0 ACTION ITEMS**

29
30 **5.1 Consideration of Ordinance 271 Adopting an Amended Budget for the Period of 1 July**
31 **2016 through 30 June 2017.**

32
33 5.1.1 Mayor Pro Tem Bracken reported that the above ordinance adopts an amended budget for the
34 period of 1 July 2016 through 30 June 2017.
35

36 **5.1.2 MOTION:** Councilman Peterson moved to approve Ordinance 271. The motion was
37 seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman
38 Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye.
39 The motion passed unanimously
40

41 **5.2 Consideration of Ordinance 272-A Approving 7941 South Wasatch Boulevard Rezone.**

42
43 5.2.1 Mayor Pro Tem Bracken reported that the above ordinance approves the rezone of property
44 at 7941 South Wasatch Boulevard.
45

46 5.2.2 Community Development Director, Brian Berndt, stated that the request involves the rezone
47 of approximately 1.80 acres from the current zoning of R-1-8 to R-2-8. It was noted that the
48 Planning Commission forwarded a positive recommendation.

- 1
2 5.2.3 Councilman Tyler reported that the subject property is near his home and is an issue that
3 citizens are well aware of. He believed that generally, the Planning Commission is correct in
4 recommending that it be rezoned. He believed one concern pertained to egress and ingress of
5 whatever is be built there. As citizens, they would have liked to have seen the property
6 attached to the road through the Honeycomb Hill Condominium HOA. He believed the zone
7 change was compatible with what surrounds the property and noted that other twin homes
8 already exist.
9
- 10 5.2.4 **MOTION:** Councilman Tyler moved to approve Ordinance 272-A. The motion was
11 seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman
12 Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye.
13 The motion passed unanimously
14
- 15 5.3 **Consideration of Ordinance 272-D Denying 7941 South Wasatch Boulevard Rezone.**
16
- 17 5.3.1 The previous approval deemed the above matter unnecessary.
18
- 19 5.4 **Consideration of Ordinance 273-A Approving Milne Lane General Plan Amendment.**
20
- 21 5.4.1 Mayor Pro Tem Bracken reported that the above ordinance is a two-part involving a General
22 Plan Amendment to Milne Lane.
23
- 24 5.4.2 Mr. Berndt stated that the request is for the General Plan Amendment from Residential Rural
25 Density to Residential Low Density to rezone the property from R-R-1-21 to R-1-15. He
26 confirmed that the Planning Commission forwarded a negative recommendation on both
27 proposals. It was noted that the property has some constraints with the creek.
28
- 29 5.4.3 Mayor Cullimore asked if the property is in a sensitive lands area that would impose
30 restrictions. Mr. Berndt confirmed that there are sensitive lands located on the property to
31 address the drainage and high water table and there could be significant restrictions. The
32 surrounding properties are zoned RR-1-21.
33
- 34 5.4.4 Councilman Shelton commented on the recommendation made by the Planning Commission
35 and stated that he always seeks to follow their recommendation, however, in this case, he
36 disagreed and believes the project makes sense and fits the character of the neighborhood.
37 The concern of the Milne Lane residents does not pertain to the density or zoning. If the
38 residents have the right to call the road private, the developer will have to negotiate with them
39 in good faith to obtain access. If it is not private and is accessible to the public, nothing can
40 be done to prevent the public from using it as an access.
41
- 42 5.4.5 **MOTION:** Councilman Shelton moved to approve Ordinance 273-A. The motion was
43 seconded by Mayor Pro Tem Bracken.
44
- 45 5.4.6 Mayor Pro Tem Bracken remarked that due to the character of the surrounding neighborhood,
46 what is proposed does not detract from the character and would still be compatible with what
47 they would like to see. Mayor Cullimore agreed with Councilman Shelton's observations.
48 He stated that he has great respect for the Planning Commission but would vote in the contrary.

1 He commented that he has a fundamental difference of opinion in the sense that there is the
2 potential to achieve the desired density by leaving the zoning as-is. As a Council, it is their
3 responsibility to find legitimate reasons to deny applications as opposed to making them prove
4 that it is the best use of the land. In this instance, he did not see a compelling reason to oppose
5 it.
6

7 5.4.7 Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-
8 Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Nay. The motion passed 4-to-1.
9

10 **5.5 Consideration of Ordinance 273-D Denying Milne Lane General Plan Amendment.**
11

12 5.5.1 As a result of the previous motion, the above matter was deemed unnecessary.
13

14 **5.6 Consideration of Ordinance 274-A Approving Milne Lane Rezone.**
15

16 5.6.1 Mayor Pro Tem Bracken reported that the above ordinance approves the Milne Lane Rezone.
17

18 **5.6.2 MOTION:** Councilman Peterson moved to approve Ordinance 274-A. The motion was
19 seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman
20 Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye and Mayor Pro Tem Bracken-
21 Aye. The motion passed unanimously.
22

23 **5.7 Consideration of Ordinance 274-D Denying Milne Lane Rezone.**
24

25 5.7.1 As a result of the previous motion, the above matter was deemed unnecessary.
26

27 **5.8 Consideration of Resolution 2017-43 Approving an Agreement with Allen Roberts with**
28 **John Ewanowski d/b/a History Projects for Historic Resources Survey.**
29

30 5.8.1 Mayor Pro Tem Bracken reported that the above resolution approves an agreement with Allen
31 Roberts and John Ewanowski for a historic resources survey.
32

33 5.8.2 Councilman Peterson stated the agreement has been coordinated with the Cottonwood Heights
34 Historic Committee and they received a grant from the State that pays 50% of the cost of an
35 intensive survey as a follow-up to the survey conducted last year.
36

37 **5.8.3 MOTION:** Councilman Peterson moved to approve Resolution 2017-43. The motion was
38 seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman
39 Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye.
40 The motion passed unanimously.
41

42 **5.9 Consideration of Resolution 2017-44 Approving an Agreement with Storiagraph LLC**
43 **for Historic Resources Survey.**
44

45 5.9.1 Mayor Pro Tem Bracken reported that the above resolution approves an agreement with
46 Storiagraph LLC. for a historic resources survey.
47

1 **5.9.2 MOTION:** Councilman Shelton moved to approve Resolution 2017-44. The motion was
2 seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman
3 Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye.
4 The motion passed unanimously.
5

6 **5.10 Consideration of Resolution 2017-45 Awarding Retiring Police Officers Their Badges**
7 **and Approving Their Purchase of Police Firearms.**
8

9 5.10.1 Police Chief, Robby Russo, reported that Lt. Mark Askerlund, Sgt. Ken Eatchel, and Officer
10 Sam Dawson are retiring from the City's Police Department. As is customary and as
11 authorized by City Code, by this Resolution the Council will award the officers their badges
12 and approve the purchase of their sidearm.
13

14 5.10.2 Mayor Cullimore stated this is a significant event as Sgt. Eatchel and Lt. Askerlund have been
15 with the City from the beginning and have been major contributors. Detective Dawson has
16 been an excellent detective and the loss of all three will be felt. The Mayor expressed his
17 appreciation and looked forward to bringing additional talent into the force.
18

19 **5.10.3 MOTION:** Councilman Tyler moved to approve Resolution 2017-45. The motion was
20 seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman
21 Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye and Mayor Pro Tem Bracken-
22 Aye. The motion passed unanimously.
23

24 **5.11 Consideration of Resolution 2017-46 Approving Entry into an Interlocal Agreement**
25 **with Utah Division of Forestry, Fire and State Lands for Participation in the Wildland**
26 **Fire Program.**
27

28 5.11.1 Mayor Pro Tem Bracken reported that the above resolution will approve the City's entry into
29 an Interlocal Cooperative Agreement with the Utah Division of Forestry, Fire, and State Lands
30 where the City will participate in the Division's Wildland Fire Program.
31

32 **5.11.2 MOTION:** Councilman Shelton moved to approve Resolution 2017-46. The motion was
33 seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman
34 Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye.
35 The motion passed unanimously.
36

37 **6.0 CONSENT CALENDAR**
38

39 **6.1 Approval of Minutes for the City Council Work Session of April 25, 2017 and May 2,**
40 **2017. Also, Approval of City Council Business Meeting minutes for May 23 and**
41 **June 13, 2017.**
42

43 **6.2 MOTION:** Councilman Peterson moved to approve the City Council Work Session of
44 April 25, 2017 and May 2, 2017 and the Business Meeting minutes for May 23, 2017 and June
45 13, 2017. The motion was seconded by Councilman Tyler. Vote on motion: Councilman
46 Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye,
47 Mayor Pro Tem Bracken-Aye. The motion passed unanimously
48

1 **7.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION**

2

3 **7.1 MOTION:** Councilman Shelton moved to adjourn the Business Meeting. The motion passed
4 unanimately.

5

6 7.2 The meeting adjourned at 7:47 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*
2 *Heights City Council Business Meeting held Tuesday, June 27, 2017.*

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9



10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14 Minutes approved: August 22, 2017