

MINUTES OF THE CITY COUNCIL MEETING HELD MAY 23, 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, City Recorder Linda Dunlavy, Community Development Director Kevin Smith, Director of Finance David Muir, Planning Director Michael Black, Code Enforcement Officer Mike Dolan

OTHERS PRESENT: Rachel Affleck, Robby Russo, Jim Bacon, Mike Watson, Ron Fullmer, Miacah Christensen

**1.0 WELCOME**

1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those in attendance.

1.2 The Pledge of Allegiance was led by Jaren Davis, Troop 964.

1.3 Mayor Cullimore recognized Youth City Council Mayor Rachel Affleck.

**2.0 PUBLIC HEARING**

**2.1 Public Hearing Regarding the Annexation commonly known as the McGee Annexation located at approximately 9300 South Wasatch Boulevard**

2.1.1 Planning Director Michael Black stated that this is the first annexation in the City and includes 6.8 acres of property. The McGees have the property under contract and are proposing a 32-lot subdivision.

2.1.2 Mayor Cullimore opened the public hearing.

2.1.3 Gary McGee expressed appreciation to the City for working with them on the annexation.

2.1.4 Mayor Cullimore closed the public hearing.

**3.0 CITIZEN COMMENTS**

3.1 Clay Watson, Demerest and Oakledge, stated that there has been a long-standing problem with the stop sign at the intersection of Oakledge and Demerest. He said that he filed a complaint with the City because of the number of people that run the stop sign, and asked that the City do a traffic study in this area and take appropriate action.

3.2 Community Development Director Kevin Smith said that the City is in the process of creating a citizen-initiated traffic calming program which will be available to all residents. He explained that stop signs were installed as a way of slowing traffic, which is ineffective. The City will look at the area and see what the best option would be for the intersection.

3.3 Mayor Cullimore explained that closing any road is a drastic measure and he would not want the residents to leave thinking that was a valid option. He noted that the intersection problem and the speed problem are separate issues and may have separate resolutions.

3.4 Susan Holt asked if speed bumps were a possibility.

Mr. Smith said that there are 20 different types of traffic calming measures the City can look at and suggested staff look at the situation and bring options back to the Council for review.

3.5 Delene Keddington, Oakledge, stated that everyone speeds down the street and there is a huge tree which is in the line of site. If people don't stop at the stop sign, they cannot see around the tree to see what is coming.

3.6 Jerry Keddington, said that there is a 25 mph sign in front of 3459 Oakledge that should be moved to the east so that it is easier to see.

Mr. Smith will review the signage.

3.7 Larry Alserta, Oakledge, said that people run the stop signs all of the time and it is getting worse because the traffic volume has increased.

3.8 Lt. Russo stated that he will send out officers to look at the demographics and pull the tickets from the last time dedicated enforcement was done. They will also do periodic enforcement in the area.

3.9 Sam Tuakawfu, asked for permission to pick herbs on the off-ramp.

Mayor Cullimore explained that the property is owned by UDOT, but there would probably not be a problem if Mr. Tuakawfu gathered some of the herbs.

3.10 Steve Henroid, Demerest, said that people drive really fast on Creek Road. He said that Demerest was never intended for anything but local traffic and doesn't believe anything other than closing it at Oakledge will make a difference.

3.11 Susan Holt asked if the City has requirements for trees planted in drive strips.

Mr. Smith will provide her with a list of appropriate trees for drive strips.

3.12 Kerry Jones, 3347 E. Oakledge Road, asked if the City was considering purchasing the vacant elementary schools and suggested a cultural arts facility would be nice to have.

3.13 Jessica Tucket, said Oakledge has many rentals and asked if there is a law regarding the number of unrelated people living in a home.

Mr. Smith said that there can be three unrelated individuals in a single family home.

3.14 Mayor Cullimore said the Planning Department will consider the traffic calming options for the Demerest and Oakledge area and get back to the residents. He explained that typically a neighborhood public hearing will be held to review traffic calming proposals.

3.15 Kerry Jones, said the residents have fought with the County for years and he is delighted that there is now a City and a Council that will listen to the residents.

#### 4.0 **REPORTS/PRESENTATIONS**

##### 4.1 **Unified Fire Report**

4.1.1 Assistant Chief Mike Watson reviewed the April 2006 Fire Report. He noted that April closed with 166 medical calls compared to 157 medical calls in April 2005. There were 95 fire calls compared to 63 a year ago. This is the most fire calls there has been in one month since the incorporation of the City.

Chief Watson reviewed the safety message which covers stream safety. Last month the potential for flooding and the dangers surrounding the high water were discussed. Last week a drowning occurred as a teenager from Davis County attempted to cross the creek on a rope system. Station 110 and Station 116 supported search and rescue efforts. He stressed that people need to stay away from the water or to be very careful if near the streams.

Chief Watson reviewed the customer service message for Station 110 and Station 116.

#### 5.0 **ACTION ITEMS**

##### 5.1 **Consideration of Ordinance No. 46 Affirming Continued Prohibition of the Discharge of Fireworks, Certain Smoking in the Open, and the Use of Open Fires, within Specified Areas of Cottonwood Heights**

5.1.1 Mayor Cullimore explained that this is a permanent ordinance prohibiting fireworks and open fires east of Wasatch Blvd.

5.1.2 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 46. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

##### 5.2 **Consideration of Ordinance No. 48 Amending Title 19 to Include New Chapter 19.25 “R-1-10 – Residential Single-Family Zone”**

5.2.1 Planning Director Michael Black explained that this zone will bridge the gap in the low density residential land use designation between R-1-8 and R-1-15.

5.2.2 **MOTION:** Councilman Bracken moved to adopt Ordinance No. 48. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

5.3 **Consideration of Ordinance No. 49 Rezoning 10.131 Acres of Property Located at approximately 2750 East Creek Road from RR-1-21 to R-1-10 and Amending the Zoning Map (A/K/A Cooper Rezone)**

5.3.1 Planning Director Michael Black reviewed the subject property.

5.3.2 **MOTION:** Councilman Thomas moved to adopt Ordinance No. 49. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

5.4 **Consideration of Ordinance No. 50 Adjusting the Common Boundary between Cottonwood Heights and the City of Holladay**

5.4.1 City Attorney Shane Topham explained that in order to adjust the boundary between two cities, both cities must consent by adopting an Ordinance after studies have been done and public hearings held. Holladay City will also be adopting an ordinance adjusting the boundary at its next meeting.

5.4.2 **MOTION:** Councilman Thomas moved to approve Ordinance No. 50. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

5.5 **Consideration of Ordinance No. 51 Approving the proposed Annexation of 6.80 Acres of Property Located at Approximately 9300 South Wasatch Blvd., otherwise known as the McGee Annexation**

5.5.1 **MOTION:** Councilman Jones moved to adopt Ordinance No. 51. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

5.6 **Consideration of Resolution No. 2006-20 Adopting a One Year Action Plan for an Interlocal Cooperation Agreement Between Cottonwood Heights, the U.S. Department of Housing and Urban Development and other Governmental Entities**

5.6.1 Mayor Cullimore explained that this Resolution sets forth the allocation of funds from the CDBG grant.

5.6.2 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-20. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

Mayor Cullimore stated that the Resolution shows \$5,000 to ASSIST; \$5,000 to The Road Home; \$5,000 to the Utah Food Bank; and \$65,000 for the bus bench shelters and handicapped access for transportation customers.

Mayor Cullimore interlineated the existing exhibit to show \$15,000 to ASSIST instead of \$5,000.

5.6.3 **MOTION:** Councilman Bracken moved to approve the revised resolution. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

**5.7 Consideration of Resolution No. 2006-21 Appointing Members of the Architectural Review Committee**

5.7.1 Mayor Cullimore explained that at the request of the Planning Department, an Architectural Review Committee is being formed for purposes designated in the Resolution. Those being appointed are Scott Chapman, Jonathan Oldroyd, Richard Steele, Neil Stowe, and Niels Valentiner.

5.7.2 **MOTION:** Councilman Antczak moved to approve Resolution No. 2006-22. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

**5.8 Consideration of Resolution No. 2006-22 Accepting a Request for Indemnification**

5.8.1 City Attorney Shane Topham explained that when a City Officer or contract provider is sued because of performance within his/her official capacity, by statute that person has the right to request the City to indemnify them from liability and damages relating to the claim. That request has been made by Lohra Miller who was named as a party in "The Doll House" litigation. The Council has the right to accept or deny the request.

5.8.2 Councilman Jones moved to approve Resolution No. 2006-22 and accept the request for indemnification from Lohra Miller. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

**6.0 CONSENT CALENDAR**

6.1 Approval of May 9, 2006 Minutes

6.2 The minutes were approved as amended.

**7.0 ADJOURNMENT**

7.1 Councilman Bracken 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 8:17 p.m.