

MINUTES OF THE CITY COUNCIL MEETING HELD DECEMBER 29, 2009, IN THE CITY COUNCIL CHAMBER AT COTTONWOOD HEIGHTS CITY OFFICE

**MEMBERS PRESENT:** Mayor Kelvyn Cullimore, Councilman Don Antczak, Councilman Scott Bracken, Councilman Gordon Thomas

**EXCUSED:** Councilman Jones

**STAFF PRESENT:** City Manager Liane Stillman, City Attorney Shane Topham, Finance Director David Muir, Deputy City Manager Kevin Smith, Planning Director Michael Black, Chief Robby Russo, Assistant Chief Mike Watson, Public Information Specialist Bob Warnick, Mike Wilson, Wayne Windsor

**ALSO PRESENT:** Scout Troop 86, Stephanie Archibald, Kevin Cromar, William McCarvel, Tee Tyler

**1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

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

1.2 The Pledge of Allegiance was led by Colton Kasteler.

**2.0 CITIZEN COMMENTS**

2.1 No comments were received

**3.0 REPORTS/PRESENTATIONS**

**3.1 Recognition of Planning Commissioners**

3.1.1 Mayor Cullimore presented a plaque to Jim Keane, former Planning Commissioner for his service to the City.

3.1.2 Mr. Keane thanked the Council for the opportunity to serve on the Planning Commission and would like to continue to be involved in the community.

**3.2 Administration of the Oath of Office to Officer Samuel Dawson**

3.2.1 Chief Russo introduced the newest Cottonwood Heights Police Officer, Samuel Dawson. He is a skilled and dedicated officer, and began as a reserve in the detectives division.

3.2.2 The Oath of Office was administered to Officer Samuel Dawson by City Recorder Linda Dunlavy

3.2.3 Officer Dawson said that he has spent 13 years in law enforcement and served with Murray City and Salt Lake County Sheriff's office.

**3.3 Police Promotion**

3.3.1 Chief Russo explained that tonight is the first time since the Police Department started that there is a promotion being made. Corbett Ford is being promoted to the position of sergeant. Chief Russo stated that he has known Corbett for 12 years and has a great report with the youth. He has a tremendous work ethic and has done an excellent job as a detective. Corbett competed in the sergeant's exam was number one on the list.

### **3.4 Eagle Scout Project**

- 3.4.1 Colton Kasteler, reported on his Eagle Scout Project, explaining that two years ago a family friend was hit by a car crossing Hollow Mill Drive. She is okay, but he doesn't want to see that happen to his younger sisters, who cross the road daily. Colton presented a power point presentation showing his project. Colton thanked the City for painting the crosswalks, adding a new crosswalk, and adding bike lanes. Kevin Smith has done a speed study which showed that 85% of the traffic in this area was exceeding the speed limit by five miles per hour or more.

Colton built and installed posts and flags at the new crosswalk and the crosswalk going to the park.

After installing the new crosswalk and flags, the City issued Colton a radar gun and surveyed 150 cars for an hour and a half in the morning and in the afternoon in several locations, and found that most speeds were not where they should be.

A letter was sent to 300 homes in Colton's neighborhood asking them to drive safely, use the crosswalks and the safe crossing flags and to email him with the subject line stating "I support traffic calming" if they agreed with the letter. He received a ton of emails from people but believes there should be additional traffic measures such as the signs that show the speed you are traveling. He would also like to see a safety island on the crossing to the park because it narrows the road so you have to slow down.

- 3.4.2 Mayor Cullimore and the Council complimented Colton for his idea of traffic calming in his area.

### **3.5 Presentation of Audit Report for FY09**

- 3.5.1 Russell Olsen, Larson & Rosenberger, reviewed the Independent Auditor's Report and Management Letter. The Auditor's Report states that the financial statements have been audited and an opinion issued that the statements are presented fairly in all respects and are materially correct.
- 3.5.2 Mr. Olsen also explained that auditing standards require the auditor to report on compliance and internal controls. There were no instances of non-compliance in the audit testing in accordance with government auditing standards.
- 3.5.3 There are no findings needed to be disclosed in the Management Letter. He explained that does not mean the City is perfect, but that the auditors did not run into anything that needed to be disclosed. Last year there was an issue with the capital asset records which was fixed; and one fund which was over budget last year. This year there were none.
- 3.5.4 Mayor Cullimore pointed out that governmental funds as of June 30, 2009, showed a fund balance of \$1.6 million which represents the City's reserve; and \$8,260,000 unreserved in the capital projects funds.

Chief Russo introduced the newest member of the Cottonwood Heights Police Department, Maggie, a bloodhound from Virginia. She is currently being trained and Officer Nick Garcia will be her handler.

**3.6 Presentation from Metropolitan Water District of Salt Lake City and Sandy**

- 3.6.1 Wayne Windsor, Engineering Manager of Metropolitan Water District of Salt Lake and Sandy, introduced Mike Wilson, General Manager, and introduced the facility and programs. Metropolitan Water District was organized in 1935 by the state legislature. They are a local district and are governed by seven trustees, five from Salt Lake City and two from Sandy City. The primary facilities are the Salt Lake Aqueduct, Point of the Mountain Aqueduct, Little Cottonwood Water Treatment Plant and the Point o the Mountain Water Treatment Plant.
- 3.6.2 The Salt Lake Aqueduct was built between 1937 and 1951 and conveys water from Deer Creek Reservoir to a terminal reservoir near Parleys canyon. It is a 69-inch reinforced concrete pipe and title was transferred to Metro Water by an act of congress in October 2006. The right-of-way consists of fee title, easement and 1890's easement. The width of the right of way varies from 50 feet to 250 feet and requires a written agreement for vehicle access, excavation, earthwork, construction and surface improvements.
- 3.6.3 In January of 2009 an inventory of all above-ground facilities was completed. Over 4,000 non-district uses were identified. The vast majority are unauthorized, but not all are unacceptable. Over a thousand non-district uses have been identified in Cottonwood Heights.
- 3.6.4 Metro Water envisions communicating with the public by sending out a brochure. That will be followed by an introductory letter explaining issues they would like to discuss and work with residents to execute a cooperative agreement.
- 3.6.5 Mayor Cullimore said the City wants to be a facilitator in this process. Mayor Cullimore and City Manager Liane Stillman met with Mike Wilson earlier, and knowing that Cottonwood Heights was a significant part of the non-district issues associated with the easements, and talked about instituting a process requiring residents seeking permits for activities within the District's right of way obtaining a sign off from the District to avoid serious problems in the future.
- 3.6.6 City Manager Stillman asked if there has been a time where the right of way is not sufficient because of subsequent development, and whether Metro Water has power of eminent domain.

Mr. Windsor said they do have certain powers of eminent domain. He believes that the right of way is adequate for the purposes of operating, maintaining and replacing the facilities.

**3.7 Monthly Unified Fire Authority Report**

- 3.7.1 Chief Watson reviewed the statistics for November 2009. There were 83 fire calls this year compared with 63 calls last year; and 155 medical calls compared to 162 last year. He explained that traffic accidents and falls are a large percentage of what the fire department responds to.

Stations 110 and 116 had a total of 99 advanced life support calls, 45 basic life support calls and 81 transports.

3.7.2 Chief Watson said that each year fires occurring during the holiday season claim the lives of over 400 people, injure 1,650 more and causes over \$990 million in damage. He encouraged residents to never put tree branches or needles in a fireplace or wood-burning stove and discard the tree when it becomes dry. He also reminded people to avoid using lit candles and never leave the house with candles burning.

3.7.3 Chief Watson reviewed the customer service message for stations 110 and 116

#### 4.0 ACTION ITEMS

##### 4.1 **Consideration of Ordinance No. 147 Amending Chapter 5.82 (Sexually-Oriented Businesses and Employee Licensing)**

4.1.1 The modifications to Chapter 5 are intended to deal with issues the Police Department has found in enforcing the city's ordinances.

4.1.2 **MOTION:** Councilman Antczak moved to approve Ordinance No. 147. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

##### 4.2 **Consideration of Ordinance No. 148 Establishing a Schedule for Regular Meetings of the City Council, the Planning Commission and the Board of Adjustment for 2010**

4.2.1 The proposed ordinance establishes the meeting schedule for the upcoming year. The ordinance includes provisions to modify the meeting schedules as needed.

4.2.2 **MOTION:** Councilman Thomas moved to approve Ordinance No. 148. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

##### 4.3 **Consideration of Resolution No. 2009-67 Approving a Contract with BGR Group for Federal Lobbying Services**

4.3.1 Mayor Cullimore stated this has been discussed to help the City navigate the channels of funding out of Washington, D.C. Many cities in Salt Lake County have contracted with federal lobbyists.

4.3.2 **MOTION:** Councilman Bracken moved to approve Resolution No. 2009-67. The motion was seconded by Councilman Antczak.

4.3.2 **DISCUSSION:** Councilman Bracken recommended that Mayor Cullimore or City Manager Stillman negotiate in writing the expected monthly expenses without preauthorization, and make sure the reporting mechanism is satisfactory.

4.3.3 **VOTE:** The motion passed unanimously on a roll call vote.

#### 5.0 ADJOURN

5.1 Councilman Antczak moved to adjourn. The motion was seconded by Councilman Thomas and passed unanimously on a voice vote. The business meeting adjourned at 8:30 p.m.

Approved: January 26, 2010