

MINUTES OF THE CITY COUNCIL MEETING HELD JANUARY 9, 2007, 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, Deputy City Manager Kevin Smith, Planning Director Michael Black, Public Relations Specialist Bob Warnick, City Finance Director David Muir

OTHERS PRESENT: Larry & Beverly Jensen, Mike Watson, Paul Brenneman, Corbett Ford, John Gust, Chuck O'Brien, Ron Wolthius, Howard Norton, Kevin Hurd

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

- 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 Councilman Gordon Thomas.
- 1.3 Mayor Cullimore recognized Youth City Council member Lauren Black and Varsity Scout Team #631.

2.0 CITIZEN COMMENTS

- 2.1 Ron Fullmer, commented that California and surrounding states are very stringent on road cutting after an overlay has been completed. He noted that if someone digs within the first six months of an overlay, the cost will double and will include an entire overlay of the road. He applauded the Council for looking at this issue.

3.0 REPORTS/PRESENTATIONS

3.1 Salt Lake County Sheriff Report

- 3.1.1 Detective Corbett Ford reviewed the statistics for the month of December. There were 959 calls for service which resulted in 574 cases being generated. He noted that domestic and assault calls were down from the November numbers, but there was an increase in stolen vehicles.
- 3.1.2 Detective Ford reviewed several cases that occurred during the month. He noted that Deputy Moses Fernandez did an excellent job while on patrol in recovering a stolen vehicle. He saw a suspicious vehicle, and along with several other deputies, tracked footprints in the snow. Deputy Fernandez followed the footprints to a house, interviewed two people and obtained a full confession from one of the people he interviewed. The man was booked into jail for possession of a stolen vehicle and several outstanding warrants.

A second person was arrested in Cottonwood Heights for burglarizing two residences, the Canyon Racquet Club, and stealing a vehicle. He was booked into jail on possession of a stolen vehicle, residential burglary, business burglary, vehicle burglary, vandalism, theft and possession of methamphetamine. He noted that this arrest would probably not have been made without citizens that were alert to their surroundings and called and reported suspicious activity.

4.0 **ACTION ITEMS**

4.1 **Consideration of Ordinance No. 77 Rezoning 2.5 Acres of Real Property Located at 1710 Siesta Drive from RR-1-43 to RR-1-21 (a/k/a Brent Walker Rezone)**

4.1.1 Planning Director Michael Black explained that last year the Planning Commission heard a request by Brent Walker to rezone the subject property and recommended denial of the proposed rezoning. The application has been withdrawn at the request of the applicant.

4.2 **Consideration of Ordinance No. 72 Rezoning 19.57 Acres of Real Property Located at 1805 East Pelton Drive (7850 South) From RR-1-43 to RR-1-29 (a/k/a Meadows Rezone)**

4.2.1 Mr. Black reviewed the subject property pointing out that the Planning Commission recommended 6-1 that the proposed rezone be approved. This would create a buffer between the half acre properties and one acre properties in this area.

4.2.2 Howard Norton, 7674 Caballero, expressed concern that if the property is zoned for 2/3 of an acre and is a PUD, the properties will end up being just over 1/2 acre per lot. He stated that he is concerned about the properties facing Siesta Drive and that they will not blend in if a PUD is approved on 2/3 acre zoning.

4.2.3 Ron Wolthius, 7864 Siesta Drive, thanked the Council for having this ordinance go back before the Planning Commission and allowing the citizens another opportunity to address the issues in a public hearing. He stated that he hopes the Planning Commission and City Council are receptive to citizen input during the platting process. There is an overwhelming opposition to the PUD concept for this property, because of the effect it will have of allowing smaller lots.

4.2.4 John Gust, representing Arbor Development, pointed out that all of the lots facing Siesta Drive do not go to the middle of the road and are all net square footages. He said that the lots along Siesta Drive are 3/4 acre or larger.

4.2.5 Kevin Hurd, 1809 Creek Road, asked if a PUD allows for a lot to be smaller than the zoning.

Mr. Black said that lots smaller than the zoning could be included. He explained that a net density is figured on the entire acreage and allows for some flexibility in the development, but never allow the density to be more than the net density.

4.2.6 Mr. Black noted for the record that he received an email from Mark Johnson opposing the zone change; and Kevin Potter and Scott & Julie McDonald sent emails in favor of the zone change.

4.2.7 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 72 rezoning 19.57 acres of property located at 1805 East Pelton Drive from RR-1-43 to RR-1-29. The motion was seconded by Councilman Jones.

4.2.8 Councilman Bracken stated that there has been a lot of work done over various configurations on this property. He agreed with the comments that the lots facing Siesta are critical to keeping the same feel of the neighborhood.

4.2.9 Councilman Thomas stated that he has struggled with this ordinance. He met with the developer last week trying to find some convincing reason of why he should vote for the ordinance. He stated that he likes the proposed development and appreciates the fact that the developer has listened to the comments and determined that the homes on Siesta Drive should face the street, and that the development should not be gated. He also expressed appreciation for the financial help the developer has given to the people in the existing development that need it so desperately. Councilman Thomas said that his concerns may have been misunderstood in some cases. The development in the area will be going from 157 units to 29 units which is a big improvement and the City needs to make sure that the 29 units are the best that they can be.

Councilman Thomas said the worst scenario would be for Arbor Development to back out of the development, and if someone else purchased the property he would be concerned with the zoning. He questioned whether withholding his vote would solve anything other than making a statement, and also considered asking the Council to keep the lots on the west and north at one acre and request a different zone for the remaining property. He noted that he is not comfortable with the zoning, but he is not disappointed either and has tried hard to do what is right.

4.2.10 Councilman Jones commented that sometimes when you vote for or against something there is a perception that you disregarded the other comments. He said that this was not a decision and there were good points made on all sides. He commented that this represents a compromise and that by going through this difficult process has made the project end up better than it might have been.

4.2.11 Councilman Antczak said that living in this community all of his life he has seen many changes and has seen his wide open spaces disappear. This is progress and he believes that the way it is proposed will make it flow into the community. He congratulated the developer for the changes he made and for not separating the property from the rest of the existing neighborhood. He noted that no matter what goes in there; it will not look like what currently exists.

4.2.12 Mayor Cullimore complimented everyone on the process which he believes has yielded a result he is confident everyone will be proud of. The intention of arranging the lots with the larger lots to compliment those that surround it is a design that will address the majority of the concerns of the residents. The process has been difficult and he hopes the

residents realize that they have had a major impact in this process. He expressed appreciation to the developer and residents that have helped the people that are being displaced. He said that currently 2/3 of the people in the development have been relocated.

4.2.13 Councilman Jones stated that the City owes a debt of gratitude to the Mayor for what he has done for the residents of the mobile home park.

4.2.14 **Vote:** The motion passed unanimously on a roll call vote.

4.3 **Consideration of Ordinance No. 78 Rezoning 0.25 acres of property located at 1515 and 1525 East Fort Union Blvd., From R-1-8 to Neighborhood Commercial (a/k/a Mahmoud Shahbazi Rezone)**

4.3.1 Mayor Cullimore opened the public comment period. No comments were received.

4.3.2 Mr. Black stated that the Planning Commission unanimously recommended approval of this rezone to the City Council and Staff received no comments on the proposed change

4.3.3 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 78 rezoning 0.25 acres of property from R-1-8 to Neighborhood Commercial. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

4.4 **Consideration of Resolution No. 07-01 Approving an Interlocal Agreement with Salt Lake County Animal Control Services**

4.4.1 Mayor Cullimore stated that this Resolution approves an Interlocal Agreement with Salt Lake County for Animal Control Services for this fiscal year.

Mayor Cullimore stated that it is important to communicate openly with the County on the City's intentions to bring animal control services in-house.

4.4.2 **MOTION:** Councilman Bracken moved to adopt Resolution No. 07-01 approving an Interlocal Agreement with Salt Lake County Animal Control Services for this fiscal year. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

5.0 **CONSENT CALENDAR**

5.1 **Approval of December 19, 2006 Minutes**

5.1.1 The minutes were approved as amended.

6.0 **ADJOURN**

- 6.1 Councilman Antczak moved to adjourn the Business Meeting and reconvene the work session. The motion was seconded by Councilman Bracken and passed unanimously on a voice vote. The business meeting adjourned at 8:00 p.m.

Approved:

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman

