

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,  
JULY 10, 2012, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Mayor Kelvyn Cullimore, Councilman Tee Tyler, Councilman Mike Peterson,  
Councilman Mike Shelton

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, Administrative Services  
Director Linda Dunlavy, Chief Robby Russo, Police Support Specialist Sheila Jennings, Public Works  
Director Mike Allen, City Engineer Brad Gilson, Assistant Chief Mike Watson, Community and  
Economic Development Director Brian Berndt, Public Relations Specialist Stephanie Archibald,

ALSO PRESENT: Robin Bateman, Ham and Deann Omana, Brenda Eichers

EXCUSED: Councilman Scott Bracken

1.0 **WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

- 1.1 Councilman Tyler called the meeting to order at 7:00 p.m. and welcomed those attending.
- 1.2 Councilman Tyler led the Pledge of Allegiance.
- 1.3 Joseph Morrell introduced himself as a Member of the Youth City Council.

2.0 **CITIZEN COMMENTS**

- 2.1 Ham Omana commented on the Cottonwood Corporate Center development noting that a letter  
was submitted by resident Mike Jenkins, and requested that the letter be made part of the record  
for the consideration of the Council.

Mayor Cullimore joined the meeting at 7:05 p.m.

3.0 **REPORTS/PRESENTATIONS/PROCLAMATIONS**

3.1 **Standing Monthly Reports**

**June Police Report**

- 3.1.1 Police Support Specialist Sheila Jennings presented the June police report. She noted that during  
the month, the police department attended a media event sponsored by Firehouse Subs to  
showcase the equipment the SWAT team recently purchased through a grant from Firehouse  
Subs. Sergeant Bartlett addressed those in attendance and explained the importance of the ‘body  
bunker’, which they were able to purchase through the grant.

Community Policing events included a drug awareness class taught by Detective Woods; a canine  
demonstration at Butler Middle School; Neighborhood Watch block party; a Chief’s BBQ for the  
Neighborhood Watch coordinators; and participation at the City’s Emergency Preparedness Fair.

Ms. Jennings presented the statistics for the month of June noting that calls for service increased  
from the past month. Priority 1 calls increased from 273 to 303 and response time remained  
under five minutes. There have been several daytime burglaries and thefts from yards and sheds  
primarily east of 2700 East between Fort Union Blvd. and Bengal Blvd. Many of the arrests were

tied to Merrick Anderson, who was recently arrested. There has also been an increase in heroin overdoses including two deaths during the past month. Other arrests included two arrests for sexual abuse of a child and one for arson. The crime statistics were also reviewed by council district.

A copy of the entire report can be found on the City's webpage.

### 3.2 **Public Works Report**

- 3.2.1 Public Works Director Mike Allen presented the monthly public works report. The concrete work for the upcoming year has been bid and the information will be presented to the Council when it is received. Projects underway include permanent asphalt on the East Jordan Canal project; completion of the 2300 East storm drain project; the Fort Union/Union Park signal improvement project are all underway or nearing completion. Right-of-way personnel have met with all but three residents for the Safe Sidewalk program. Once the right-of-way is acquired the final plans will be drawn.

Mr. Allen reported on the Danish Road Project which will begin immediately. The project involves a curb and gutter project to keep water off of Gale Conger's property. Mayor Cullimore noted that the work can be performed without jeopardizing the future alignment concept.

Mr. Allen reported on the City's trip hazard mitigation plan, noting that the Council will consider a contract with Precision Concrete for the upcoming fiscal year; street sweeping is underway prior to Butlerville Days and will also be swept after the parade.

A copy of the entire report can be found on the City's webpage.

### 4.0 **ACTION ITEMS**

#### 4.1 **Consideration of Resolution No. 2012-30 Approving an Independent Contractor Agreement with Precision Concrete Cutting, Inc. for Fiscal Year 2012-13**

- 4.1.1 Mayor Cullimore stated that the City has budgeted approximately \$75,000 for the purpose of alleviating trip hazards in the city. The proposed resolution contracts with Precision Concrete for that service.

- 4.1.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2012-30. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.

#### 4.2 **Consideration of Resolution No. 2012-31 Approving and Ratifying an Agreement with Miller Paving for the Danish Road Curb and Gutter Project**

- 4.2.1 Mayor Cullimore said that there has been discussion about whether completion of this project will preempt or be overridden by a future realignment project planned for Danish Road.

Councilman Tyler believes that any future improvements on Danish Road should involve sidewalks.

- 4.2.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2012-31. The motion was seconded by Councilman Shelton and passed unanimously on a roll call vote.

4.3 **Consideration of Resolution No. 2012-32 Approving Entry into a Governmental Lease-Purchase Agreement with Zions Bank for the Lease of Police Vehicles and Associated Equipment and Authorizing the Execution and Delivery of all Related Documents and the Taking of all Required Actions**

4.3.1 Mayor Cullimore explained that the proposed Resolution addresses the method chosen to finance police vehicles. The City leases new cars and turns them in every two years. This year financing is through Zions Bank.

City Attorney, Shane Topham, clarified that the agreement with Ken Garff is separate from the lease. He noted that the proposed Resolution allows changes to be made to the agreement as needed before it is signed.

4.3.2 **MOTION:** Councilman Peterson moved to approve Resolution Number 2012-32. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

4.4 **Consideration of Resolution No. 2012-33 Approving Entry into a Vehicle Repurchase Option Agreement with Garff Enterprises, Inc. for Police Vehicles and Associated Equipment**

4.4.1 Mayor Cullimore explained that this Resolution is for a repurchase option with Garff Enterprises that allows the City at the end of its lease to turn the cars back to Ken Garff who will then purchase them for the residual value owed on the lease. Actual costs will be minimal and limited to the lease payment and use of the vehicles.

In response to a question raised, Chief Russo reported that there is a mileage cap of 36,000 miles on the vehicles and the city has not been charged for any overages. Additional mileage going forward will be charged at \$.20 per mile.

4.4.2 City Manager Liane Stillman asked whether the city is within budget with the purchase of the new vehicles and the repurchase by Garff Enterprises of the vehicles being turned in.

Chief Russo stated that he received a phone call earlier today from Finance Director Steve Fawcett indicating that the final numbers are \$30,000 higher than what the City was originally quoted. Chief Russo said that he is in the process of contacting Garff Enterprises representative.

4.4.3 **MOTION:** Councilman Shelton moved to approve Resolution Number 2012-33. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.

4.5 **Consideration of Resolution No. 2012-34 Consenting to Appointments to the Board of Adjustment**

4.5.1 Mayor Cullimore said that the Board of Adjustment meets very infrequently and it recently came to his attention that two of the members need to be reappointed. He noted that it has been brought to his attention that there is a concern regarding geographical representation, since there is not currently a voting member on the Board from District 3.

Mayor Cullimore explained that due to the nature of the matters reviewed by the Board of Adjustment, the Council has been very selective about who is appointed. The two individuals up for reappointment have both served one term and it has been the tradition in the City to reappoint members to a second term if they are interested in serving.

Mayor Cullimore said the proposed Resolution reappoints Bob Good as an alternate and Gary Barnes as a voting member. He explained that alternates are appointed to ensure that there is a quorum at meetings. If there is a vacancy on the Board, Mayor Cullimore recommended Don Antczak, alternate from District 3, be appointed as a voting member. Others who serve on the Board are Jim Holtkamp, Noor Ul-Hasan, Bob Wilde, Gary Barnes, and James Adinaro. Mayor Cullimore pointed out that geography should play no part in who is appointed to the Board since members are required to follow very strict guidelines.

4.5.2 As a representative of District 3, Councilman Peterson expressed concern about the perception of lack of representation from his district on the Board of Adjustment. He said that he considered tonight's reappointment to be an opportunity to consider a candidate from District 3 and recommended the matter be tabled, and a solution found to ensure representation from District 3. Councilman Peterson said that he considered the lack of representation from District 3 to be a matter of principle and planned to vote against the proposed appointments.

4.5.3 Mayor Cullimore said that one possible option would be to appoint Don Antczak as a voting member and break with tradition and dismiss board members who have served diligently.

4.5.4 Ms. Stillman expressed concern about how a change could negatively affect an appeal process currently underway since there would not be a fully-staffed Board of Adjustment. She explained that the appointment process and training process wear quite lengthy and without a full Board it would be difficult to seat a quorum.

4.5.5 **MOTION:** Councilman Shelton moved to approve Resolution Number 2012-34. The motion was seconded by Councilman Tyler and passed on a vote of 3-1 with Councilman Shelton, Councilman Tyler and Mayor Cullimore voting yes; and Councilman Peterson voting no.

#### 4.6 **Consideration of Resolution No. 2012-35 Approving Amended Rules and Procedures for the Cottonwood Heights Board of Adjustment**

4.6.1 Mayor Cullimore explained that the proposed amended rules and procedures fell through the cracks primarily due to the infrequency with which the Board of Adjustment meets.

4.6.2 City Attorney Shane Topham stated that the intent of the proposed document is to create a guideline for the Board of Adjustment. A decision of the Board of Adjustment is final once a written decision is issued and Mr. Topham exceeded the statute requirement and proposed a change that would require a written decision be issued within 60 days following a hearing. He said that the overarching responsibility of the City is to act with reasonable diligence, particularly in the land use arena. The changes being proposed are technical in nature and can be amended by the Council.

4.6.3 **MOTION:** Councilman Tyler moved to approve Resolution Number 2012-35. The motion was seconded by Councilman Shelton and passed unanimously on a roll call vote.

#### 4.7 **Consideration of Resolution No. 2012-36 Approving a Performance Contract with Slaymaker-Hill for 2012 Butlerville Days**

4.7.1 Mayor Cullimore stated that the proposed resolution approves a performance contract with Slaymaker-Hill for entertainment at Butlerville Days.

- 4.7.2 **MOTION:** Councilman Peterson moved to approve Resolution Number 2012-36. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.
- 4.8 **Consideration of Resolution No. 2012-37 Approving a Performance Contract with Argyle for 2012 Butlerville Days**
- 4.8.1 Mayor Cullimore stated that the proposed resolution approves a performance contract with Argyle for entertainment at Butlerville Days.
- 4.8.2 **MOTION:** Councilman Shelton moved to approve Resolution Number 2012-37. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.
- 5.0 **CONSENT CALENDAR**
- 5.1 **Approval of the May 22, June 12, June 19, and June 26, 2012, Minutes**
- 5.1.1 The minutes were approved subject to the changes made by Council after reviewing the documents.
- 6.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**
- 6.1 **MOTION:** Councilman Shelton moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote. The business meeting adjourned at 8:00 p.m.