

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,
MARCH 10, 2015, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

Members Present: Mayor Kelvyn Cullimore, Councilman Scott Bracken, Councilman Mike Shelton, Councilman Tyler joined the meeting by phone 7:54 p.m.

Staff Present: City Manager John Park, Police Chief Robby Russo, Public Relations Specialist Dan Metcalf, Assistant Fire Chief Mike Watson, City Attorney Shane Topham, Public Works Director Mike Allen, Finance Director Steve Fawcett, Community and Economic Development Director Brian Berndt

Excused: Councilman Tee Tyler, Councilman Mike Peterson, Deputy City Manager Linda Dunlavy

Others Present: Jill McGee, Gary McGee, Nancy Hardy, Sheryl McCallister, Michelle Baldwin

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

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

1.2 The Pledge of Allegiance was led by Councilman Scott Bracken.

1.3 Councilman Bracken introduced Youth City Council Representative Derek Heiner.

2.0 PROCLAMATIONS

2.1 Proclamation Naming March 28, 2015 as Cottonwood Heights Lacrosse Play Day for Brighton High School Girls' Lacrosse

2.1.1 Mayor Cullimore read Proclamation 2015-01 in support of Lacrosse Play Day. He stated that the goal of the Lacrosse Play Day is to provide a positive influence in the lives of the City's youth.

2.1.2 Michelle Baldwin, Brighton High School Lacrosse Board Member, stated the Brighton High School Girls' Lacrosse Team is trying to increase community awareness of their program and accomplishments. Their organization is offering a free Lacrosse Day on March 28, 2015, in an effort to generate interest among youth. The free training will take place from 10:00 a.m. to 12:00 noon at Mountainview Park. Ms. Baldwin explained that lacrosse is not a high school sanctioned sport and everything they do is through volunteers and individual efforts. Ms. Baldwin invited those interested to attend their Rival Fest on March 19, 2015.

3.0 CITIZEN COMMENTS

3.1 Nancy Hardy stated that the city-initiated proposed text amendment to Chapter 19 introducing a Planned Development District (PDD) should be researched further in order to ensure that it is beneficial for the City. Few residents have been informed about the PDD and the City is encouraged to reach out and let citizens know more about it. She recommends a citizen survey be prepared asking for input as to what citizens want to see happen in the City.

- 3.2 Mayor Cullimore confirmed that the PDD simply introduces an element that would be optional for someone to change to. It does not impose the zone on anything. It only adds it to the Code allowing qualified property owners to apply for it.
- 3.3 Sheryl McCallister stated that she believes that it is the responsibility of the City Council to put out a survey to the residents in order to determine what citizens want. She asked that the maps and elevations of the proposed Fort Union Project be made available online in a sizeable form. She is of the opinion that there is a communication issue that exists between City government and the citizens of Cottonwood Heights. Ms. McCallister believes the future vision of the City needs to be incorporated into the upcoming Cottonwood Heights Magazine and the City newsletter should routinely include information from staff regarding areas in which the City is looking forward.
- 3.4 Jill McGee concurred with the previous comments regarding citizen surveys and suggests that polls be taken on a regular basis. She believes there should be much greater education and interaction between citizens and City government. She stated that the PDD is also of concern and questioned what “Pandora’s Box” will be opened for developers who make requests.
- 3.5 Mayor Cullimore acknowledged the comments made and stated that the City Council is not pursuing the PDD Zone because they want to favor developers. They are trying to provide a tool that will allow the City to facilitate development in a more reasonable fashion. He stated that the City conducted a 2009 resident survey which cost the City between \$10,000 and \$20,000. Certainly more employees could be hired to manage and expand social media but the City is trying to balance costs and taxpayer money with what they believe to be the best use of those funds.

4.0 **REPORTS**

Standing Monthly/Quarterly Reports

4.1 **February Police Report**

Police Support Supervisor, Sheila Jennings, presented the police report for the month of February. She stated that 911 calls were the same as the previous month. The number of phone-in calls decreased, but on-view calls increased. There were 451 Priority 1 calls, 366 Priority 2 calls, and 219 Priority 3 calls. Response times for Priority 1 calls averaged 4:04 minutes, Priority 2 averaged 5:43 minutes, and Priority 3 calls averaged 7:00 minutes. With regard to the overall crime view, there were 21 assaults, thefts were up from 40 to 68, and there were 9 domestic violence calls. Ms. Jennings reported that there were 136 adult arrests and 32 juvenile arrests. There were 274 traffic citations issued, 14 DUIs, and 28 warnings. The number of crashes decreased from the previous month.

4.2 **Public Works Report**

Public Works Director, Mike Allen, presented the February Public Works Report for the month of February. He stated that the asphalt maintenance is ongoing. The ADA Ramp Project is nearly ready to put out to bid. He reported that 10 contractors showed up to the pre-bid meeting. Concrete work will begin this month as well as cross gutter replacement and the 50/50 program replacements. The Fort Union Park and Ride is ready to start back up. The Fort Union and Highland Drive intersection project is on hold as they are waiting for a design from Rocky Mountain Power. The Cottonwood Heights Parks and Recreation Service Area, who handles all of the parks and maintenance, is working on spring cleanup and performing park maintenance.

5.0 ACTION ITEMS

5.1 **Consideration of Ordinance Number 237 Amending Chapter 2.160 (Purchasing Goods and Services) of the Cottonwood Heights Municipal Code**

5.1.1 Mayor Cullimore reported that the above ordinance incorporates by reference a portion of the Utah State Procurement Act concerning methods of delivery of construction-related services.

5.1.2 City Attorney, Shane Topham, stated that the State of Utah has its own procurement code and municipalities are allowed to adopt their own code and are also allowed to adopt portions of the State Code. In this case, the City's code, which has been in place for a number of years, will be amended to adopt a particular section of the Utah Code that authorizes various types of purchasing contracts for use by the City. These include three models of construction methods.

5.1.3 **MOTION:** Councilman Bracken moved to approve Ordinance Number 237. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Mayor Cullimore-Aye. The motion passed unanimously. Councilman Tyler was not present for the vote.

5.2 **Consideration of Resolution No. 2015-12 Tentatively Adopting an Amended Budget for the Period of 1 July 2014 Through 30 June 2015; Providing for Public Inspection of Such Budget; Establishing the Time and Place of Public Hearing to Consider Adoption of Such Budget; and Providing for Newspaper Publications of Such Public Hearings**

5.2.1 Mayor Cullimore stated that the City is required by state law to conduct regular budget adjustments bringing the budget up-to-date to reflect changes made since the last budget amendment.

5.2.2 Finance Director, Steve Fawcett, reported that the proposed amendment involves four basic issues. The first involves a number of grants that have been received, of which many are reimbursement grants. The second pertains to a police vehicle that was totaled. The third primarily involves moving money around the Capital Improvements Budget. The fourth is for contracts with Salt Lake County to maintain traffic lights.

5.2.3 **MOTION:** Councilman Shelton moved to approve Resolution Number 2015-12. The motion was seconded by Councilman Bracken. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Mayor Cullimore-Aye. The motion passed unanimously. Councilman Tyler was not present for the vote.

5.2.4 Councilman Tyler joined the meeting via telephone.

5.3 **Consideration of Resolution No. 2015-13 Accepting Requests for Indemnification**

5.3.1 Mayor Cullimore reported that the above Resolution 2015-13 pertains to accepting requests for indemnification. The City has recently been named in a lawsuit which also individually includes the Mayor and one of the City's police officers. In order for the City to properly take on the legal defense levied against the Mayor and Officer Woods personally, they have to make a request to the City for indemnification. It is up to the City Council to approve the request.

5.3.2 Mr. Topham explained that the Governmental Immunity Act of Utah describes how cities are and are not liable for legal actions. A portion of the civil statute addresses what happens if City employees or officers are sued because they are performing their duties as City officers and employees. When this occurs, the Act specifies that the person being sued because of official actions makes a request for indemnity to the Governmental entity. The governmental entity then

agrees to defend and indemnify the party in the context of the lawsuit. If it comes out in the lawsuit that the officer or employee acted improperly, there is recourse for the City. It was noted that there is no evidence of that occurring in this case.

5.3.3 **MOTION:** Councilman Bracken moved to approve Resolution Number 2015-13. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Tyler-Aye, Mayor Cullimore-Abstained. The motion passed unanimously with one abstention.

6.0 **CONSENT CALENDAR**

6.1 **Approval of Minutes for February 24, 2015**

6.2 The minutes stood approved.

7.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**

7.1 **MOTION:** Councilman Shelton moved to adjourn the Business Meeting and reconvene the Work Meeting. The motion was seconded by Councilman Shelton and passed unanimously on a voice vote. The business meeting adjourned at 7:58 p.m.

Minutes Approved: 03/24/2015