

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,
JANUARY 28, 2014 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

Members Present: Mayor Kelvyn Cullimore, Councilman Mike Shelton, Councilman Scott Bracken, Councilman Mike Peterson, Councilman Tee Tyler

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

Others Present: Youth City Council Representative Bri Bergman, Nancy Dahill, Tyler Jackson, Brent Robinson

1.0 **WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Kelvyn 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 Shelton.

1.3 Councilman Bracken introduced Youth Council Representative, Bri Bergman.

2.0 **CITIZEN COMMENTS**

2.1 There were no citizen comments.

3.0 **REPORTS/PROCLAMATIONS/RECOGNITIONS**

Standing Monthly/Quarterly Reports

3.1 **Monthly Financial Report**

Finance Director Steve Fawcett presented the financial report for December. He stated that overall sales tax continues to be positive. Property taxes are anticipated to be ahead of budget.

Mr. Fawcett reported that the net court revenue for the 2nd quarter of this fiscal year was substantially less than the same period the previous year due to a reduction in adjudicated cases. Department expenditures are within budget.

A complete copy of this report is available on the City's website.

3.2 **Unified Fire Report**

Assistant Chief Mike Watson presented the Unified Fire Report for the month of December. He stated that in terms of call volume Station 110 came in 5th and Station 116 came in 18th overall among all UFA stations. Station 110 had 150 total calls with 107 Advanced Life Support (ALS) calls resulting in 53 transports; and 43 Basic Life Support (BLS) calls resulting in 11 transports. Station 116 had 41 total calls with 39 Advanced Life Support (ALS) calls resulting in 22 transports; and 12 Basic Life Support (BLS) calls resulting in 3 transports. The year ended with a total of 770 fire calls and 2,395 medical calls.

The customer service report included battalion medical training, multi-agency ice rescue training, attendance at an emergency preparedness committee meeting, hosting of Bountiful Baskets, snow removal at Golden Hills Park, and 12 station tours. The safety message included sub-freezing weather issues and prevention of frozen water pipes.

A complete copy of this report is available on the City's website.

4.0 ACTION ITEMS

4.1 **Consideration of Ordinance Number 215 Amending and Restating Sections 8.04.085, 8.04.110, 8.04.300, 8.12.120, 8.12.130 and 8.36.010, Cottonwood Heights Code of Ordinances, Regarding Wild, Dangerous and Exotic Animals**

4.1.1 Mayor Cullimore described the proposed ordinance and gave a brief history. He feels it was important to receive citizen input and evaluate the details fairly. He reported that Cottonwood Heights would be the first city in Utah to impose an Exotic Pet Ordinance with specific limits. Modeling the home business concept, a provision was added allowing a hobbyist to obtain a certain number of animals. Requirements and constraints were discussed. Following eight months of research, debate, and public comment the City Council is prepared to pass an ordinance that places limitations on the number of allowed exotic pets and how they can be kept. The provisions of the ordinance reflect a compromise among various council member positions after studying the issue for the last eight months and receiving significant input.

4.1.4 **MOTION:** Councilman Bracken moved to approve Ordinance No. 215. The motion was seconded by Councilman Tyler.

4.1.5 Councilman Bracken stated that he considers the ordinance to be rational, reasonable, and fair.

4.1.6 Councilman Shelton referred to Section 8.36.010, which states '*except as specifically authorized by this title, it is unlawful for any person or entity to sell, offer for sale, barter, give away, keep, own, harbor or purchase any wild, dangerous or exotic animal.*' He is of the opinion that this language may lead to the belief that up to 25 animals may be owned, but not sold, given away, or traded and is different than what was originally intended. He believes government should have a compelling reason to expand its power to delve into the lives of private citizens. If an animal represents a material risk to the community, it should be classified as dangerous and should be prohibited. He is also of the belief that if an animal represents minimal risk, or below the level of other permitted activities, it should be permitted.

4.1.7 Councilman Tyler spoke to many District 4 residents and stated that a majority feel that a limitation on the number of exotic pets residing in a residential zone should be imposed. The allowance of 50 exotic pets seemed too high. That number was reduced to an allowance of 25 with limitations on square footage. Councilman Tyler was in favor of the bill with those changes.

4.1.8 Councilman Peterson stated that he and many District 3 constituents he has spoken to still desire a lower number than 25 as provided in this ordinance. However, in a spirit of compromise given the process the council has undertaken to arrive at this point, he is in favor of the ordinance.

4.1.8 Mayor Cullimore appreciates the democratic process and public input received on this matter. He indicated that he tends to agree more with Councilman Shelton that the city is trying to regulate what citizens can do within their own homes that may not have a significant impact on surrounding property owners. However, after speaking to many residents, a moderate limitation on exotic pets would seem to be appropriate in the eyes of most. The previous number of 50 was based on expert

testimony that Mayor Cullimore quoted from the expert's report. While 50 by a proven hobbyist may be allowable, the compromise at 25 does seem to be an appropriate compromise all things considered. Mayor Cullimore feels the current ordinance as drafted represents the best effort to balance concerns about overly intrusive government regulation against the desire to place reasonable restrictions on home activities that may have an impact on surrounding property owners.

4.1.9 Mr. Topham offered a solution to 8.36.010 and recommended having Councilman Bracken amend his motion to remove all references to exotic animals. Adequate safeguards were in place with 8.12.120 concerning exotic animals.

4.1.10 **MOTION:** Councilman Bracken amended the ordinance to remove reference to exotic animals in Chapter 8.36.010. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Nay, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Kelvyn Cullimore-Aye. The motion passed 4-to-1.

4.2 **Consideration of Resolution Number 2014-01 Approving Interlocal Agreement with Salt Lake County for Participation as UPDES Co-Permittees**

4.2.1 Mayor Cullimore stated that the above resolution ratifies the agreement with Salt Lake County for the environmental mitigation plan regarding the location of salt storage.

4.2.2 **MOTION:** Councilman Shelton moved to approve Resolution Number 2014-01. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.

4.3 **Consideration of Resolution Number 2014-02 Approving a Fifth Amendment to Office Lease with WLA UPU-1 and 2, LLC**

4.3.1 Mayor Cullimore explained the proposed resolution and stated that it amends the city's lease regarding how the security door in the council chambers may be accessed in the event of an emergency.

4.3.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2014-02. The motion was seconded by Councilman Shelton and passed unanimously on a roll call vote.

4.4 **Consideration of Resolution Number 2014-03 Approving a Repair Agreement with Overlook at Old Mill Homeowners Association, Inc**

4.4.1 Mayor Cullimore explained there is a wall on 3000 East that is near collapse and the City has come to an agreement with the homeowners to make repairs commencing summer 2014.

4.4.2 **MOTION:** Councilman Peterson moved to adopt Resolution Number 2014-13. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

4.5 **Consideration of Resolution Number 2014-04 Tentatively Adopting an Amended Budget for the Period of 1 July 2013 Through 30 June 2014; 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**

4.5.1 Mayor Cullimore explained the proposed resolution and stated that the State of Utah requires the budget be updated quarterly and changes made to the budget are adopted. The proposed resolution tentatively adopts those budget amendments.

4.5.2 **MOTION:** Councilman Bracken moved to approve Resolution Number 2014-04. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.

4.6 **Consideration of Resolution Number 2014-05 Designating Representatives to the Valley Emergency Communications Center (VECC) Board of Trustees**

4.6.1 Mayor Cullimore explained the proposed resolution and stated that VECC is the center that answers 911 calls for Cottonwood Heights.

4.6.2 **MOTION:** Councilman Peterson moved to adopt Resolution Number 2014-05. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

4.7 **Consideration of Resolution Number 2014-06 Declaring Certain Property Surplus**

4.7.1 Mayor Cullimore explained the proposed resolution is for two computer servers as well as two chairs being declared surplus.

4.7.2 **MOTION:** Councilman Shelton moved to approve Resolution Number 2014-06. The motion was seconded by Councilman Tyler and unanimously on a roll call vote.

5.0 **CONSENT CALENDAR**

5.1 **Approval of Minutes for January 14, 2014**

5.1.1 The minutes stood approved.

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

6.1 **MOTION:** Councilman Bracken moved to adjourn and reconvene the work meeting. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote. The business meeting adjourned at 7:58 p.m.