

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY, JULY 22, 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 Tee Tyler, Councilman Mike Peterson

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

Excused: City Attorney Shane Topham

Others Present: Sherry Sorensen, Gary McGee, Jill McGee, Scout Troops 425 and 364, Valerie Nagasawa, Scott Henriksen, Cynthia Smith, Marybeth Janerich, Jackie McGill, Mark Neff, Matt Sibul, Patsy Young, Joshua Woolston, Samson Williamson

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 Scouts Sam Williamson and Josh Woolston.

2.0 CITIZEN COMMENTS

2.1 Rob Hortin, Waterside Condominiums Property Manager, reminded the City Council of the left hand turn lane on Union Park Avenue and encouraged solutions to the traffic problems it has posed.

2.2 Jill McGee addressed concerns regarding the proposed development on Wasatch Boulevard named Giverny and its extensive size. She was particularly concerned that there may be attached housing permitted in the PUD. She questioned the purpose of the Planning Commission and their determination to approve, recommend, or deny proposals if all processes are outlined in State Law.

2.3 Mayor Cullimore stated that the Planning Commission absolutely has a purpose. He explained that where a property is subject to a conditional use permit it is the Planning Commission that determines those conditions. The also assure that projects are conforming to the city code and the state law. However, they do not have discretion to act outside the law or to impose their personal will or be arbitrary in their decision making.

2.4 Gary McGee stated that he believes many residents are questioning how the proposed attached housing development on Wasatch Boulevard named Giverny was rezoned when they knew nothing about it. He proposed that when a future rezone is pending, a larger area be noticed, if not the entire community.

2.5 Mayor Cullimore understands Mr. McGee's frustration and stated that notice is most often extended beyond the required 300 feet. The city typically strives to notify those within 1000 feet.

2.6 Gray Smith is of the opinion that the community will be adversely affected by the Giverny development. He believes there is a mass of community members who are opposed to the project and questions how they can prevail. They do not want their property to be adversely affected by the

proposed development and he believes traffic will be greatly impacted. He stated that there is a component within the Cottonwood Heights City Code of Ordinances that relates to a PUD. Section 19.78.140 of the Ordinance states that the Planning Commission shall require arrangement of structures and open space within the PUD in a manner that assures that adjacent properties will not be adversely affected. Mr. Smith raised a question as to the appeal process.

2.7 Mayor Cullimore stated that Mr. Smith should consult with staff and the City Attorney with respect to processes like an appeal. He stated that essentially there is a difference between opinion and public clamor. The law specifically requires the Planning Commission to dismiss public clamor which is opinion without basis in legal findings or an opinion without specific supporting evidence. He emphasized that decisions of the Planning Commission must be based on specific findings. Appeals of Planning Commission decisions are based on the belief that the findings of the Planning Commission were faulty or arbitrary.

2.8 Mr. Smith is of the opinion that those who are opposed to the project are concerned about the PUD and higher density and how that will affect existing property owners.

2.9 Mayor Cullimore encouraged those with concerns to address the Planning Commission as the Planning Commission is the decision making body for the Giverny application.

3.0 **REPORTS/PROCLAMATIONS/RECOGNITIONS**

3.1 **Proclamation Recognizing Utah Transit Authority (UTA) for Receiving the 2014 Public Transportation System of the Year by the American Public Transportation Association (APTA)**

Mayor Cullimore read a proclamation recognizing UTA for receiving the 2014 Public Transportation System of the Year by the American Public Transportation Association. UTA Representative, Matt Sibul, thanked the City for their recognition and support.

3.2 **Standing Monthly Reports.**

Monthly Financial Report

Finance Director, Steve Fawcett, presented the Monthly Financial Report for June. He clarified that the report is for the year ending June 30, 2014. Staff expects to collect \$85,000 more in sales tax than specified in the amended budget.

Councilmember Bracken questioned the \$1.2 million for General Sales and Use recorded for the current period.

Mr. Fawcett confirmed that it is for June, July, and August accruals. The only source of taxes that are down substantially are 911 Emergency Services Telephone Charges. However, this is offset by the fact our only obligation with regard to such funds is to allocate them to Valley Emergency Communications.

Total revenue will exceed the amended budget by \$103,000.

With regard to expenditures, Mr. Fawcett stated that every major department will come in at or under budget. In comparing expenditures to the budget, it is \$670,000 less than what was anticipated with the amended budget. This will essentially increase the fund balance by reducing the need to spend what was appropriated. The Fund Balance will total \$920,000 after allocating \$875,000 to the

Capital Improvements Fund. Mr. Fawcett reported that fiscal year 2015 will begin with an available fund balance of \$1,505,000. Of that, \$471,000 will be appropriated to balance the 2015 budget leaving \$1,034,000 in the Unassigned Fund Balance. This is lower than last year, but it is still a significant excess for the year.

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

3.3 **Unified Fire Report**

Assistant Fire Chief, Mike Watson, presented the Unified Fire Report for the month of June. He stated that in terms of call volume, Station 110 came in 4th with 219 calls and Station 110 came in 19th with 65 calls. There were a total 75 fire calls and 209 medical calls for the month of June. Station 110 had 162 total medical calls with 75 Advanced Life Support (ALS) calls resulting in 34 transports; and 87 Basic Life Support (BLS) calls resulting in 10 transports. Station 116 had 44 total medical calls with 23 Advanced Life Support (ALS) calls resulting in 7 transports; and 21 Basic Life Support (BLS) calls resulting in 1 transport.

The customer service message included participation in a field day, evacuation drills, swift water training, pediatric advanced life support training, and heavy rescue training. The safety message encouraged hikers to stay on trails and be prepared to stay longer than originally anticipated. Safety when handling fireworks was also stressed.

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

4.0 **ACTION ITEMS**

4.1 **Consideration of Ordinance No. 224-A Approving a General Plan Amendment on Property Located at 8559-8595 South Wasatch Boulevard**

- 4.1.1 Mayor Cullimore reported that the proposed ordinance involves a request from a property owner at 8559-8595 Wasatch Boulevard to amend the General Plan designation from Low Density Residential to Medium Density Residential.
- 4.1.2 The property owner, Mark Neff, gave a brief history of the property and stated that a portion was zoned agricultural and grandfathered in when Cottonwood Heights became a city. He has had difficulty determining how to sell the property and deciding if it would be economically beneficial to rezone it to something other than Single-Family Residential.
- 4.1.3 Mayor Cullimore reported that the Planning Commission unanimously recommended denial of the proposed rezone. He explained that this is a legislative decision to ultimately be determined by the City Council because it is a rezoning issue.
- 4.1.3 Councilman Bracken asked if any other potential land uses or zones were considered or discussed.
- 4.1.4 Senior Planner, Glen Goins, stated that this is a carryover from county zoning. The Planning Commission is of the opinion that the applicant did not satisfactorily prove that the proposed zone change would benefit the City. It was limited in scope and additional input was desired from the general public. Public comments received were opposed to the proposed zone change. The request was also not in harmony with the General Plan.

- 4.1.5 Mayor Cullimore was sympathetic to Mr. Neff's request and recognized that this is a difficult decision due to the property location. As a City, the Council should look at what can be done with the property long term that will be beneficial to the City.
- 4.1.6 Mr. Goins stated that staff examined a number of opportunities for the property.
- 4.1.7 Councilmember Bracken suggested tabling the action until Mr. Neff and staff has a chance to reexamine the proposal.
- 4.1.8 City Manager, John Park, is of the opinion that the best solution is the one before the Council. He recommended tabling the issue and working through the issues with Mr. Neff.
- 4.1.9 Councilmember Shelton is opposed to restarting the process and imposing another set of fees. He suggested a resolution of the existing process be considered.
- 4.1.10 Mayor Cullimore is of belief that a solution could not be reached before the next council meeting on August 12, 2014. A development zone concept could be applied that will be a good compromise allowing something to be done with the property.
- 4.1.11 **MOTION:** Councilmember Bracken moved to table Consideration of Ordinance No. 224-A. The motion was seconded by Councilman Shelton. Councilmember Bracken amended the motion to allow no more than six weeks. The motion was seconded by Councilman Shelton. Vote on the amended motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Nay, Mayor Kelvyn Cullimore-Nay. The motion passed 3-to-2.
- 4.2 **Consideration of Ordinance No. 224-D Denying a General Plan Amendment on Property Located at 8559-8595 South Wasatch Boulevard**
- 4.3 **Consideration of Ordinance No. 225-A Approving a Re-zone of Property Located at 8559-8595 South Wasatch Boulevard from R-1-8 to R-2-8 and Amending the Zoning Map**
- 4.4 **Consideration of Ordinance No. 225-D Denying a Re-zone of Property Located at 8559-8595 South Wasatch Boulevard from R-1-8 to R-2-8 and Amending the Zoning Map**
- 4.4.1 Items 4.2, 4.3, and 4.4 were tabled as a result of the motion to table item 4.1.
- 4.5 **Consideration of Resolution No. 2014-49 Approving an Agreement with Precision Concrete Cutting, Inc.**
- 4.5.1 Mayor Cullimore reported that the above resolution will approve a contract with Precision Concrete Cutting, Inc. to provide concrete cutting and grinding and other forms of sidewalk trip hazard mitigation.
- 4.5.2 **MOTION:** Councilmember Tyler moved to approve Resolution No. 2014-49. The motion was seconded by Councilman Bracken. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Kelvyn Cullimore-Aye. The motion passed unanimously.
- 4.6 **Consideration of Resolution No. 2014-50 Approving an Agreement with Cambria Financial Group LLC, d/b/a ATM Event Co**

- 4.6.1 Mayor Cullimore reported that the above resolution will approve an agreement with Cambria Financial Group, LLC to provide an ATM machine at the 2014 Butlerville Days.
- 4.6.2 **MOTION:** Councilman Peterson moved to approve Resolution No. 2014-50. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Kelvyn Cullimore-Aye. The motion passed unanimously.
- 4.7 **Consideration of Resolution No. 2014-51 Approving an Agreement with Water Walkers, LLC**
- 4.7.1 Mayor Cullimore stated that the proposed resolution approves an agreement with Water Walkers, LLC to provide an activity at the 2014 Butlerville Days.
- 4.7.2 **MOTION:** Councilman Shelton moved to approve Resolution No. 2014-51. The motion was seconded by Councilman Bracken. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Kelvyn Cullimore-Aye. The motion passed unanimously.
- 5.0 **CONSENT CALENDAR**
- 5.1 **Approval of Minutes for June 24, 2014.**
- 5.2 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 voice vote. The business meeting adjourned at 8:23 p.m.

Minutes Approved: 08/12/2014