

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,
DECEMBER 17, 2013, 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, Police Chief Robby Russo, Community and Economic Development Director Brian Berndt, Public Works Director Mike Allen, Assistant Fire Chief Mike Watson, Public Relations Specialist Stephanie Dickey, Deputy City Manager Linda Dunlavy, Finance Director Steve Fawcett, Police Support Supervisor Sheila Jennings

Others Present: Nancy Dahill, Dave Browning, Todd Leeds, Mike Littlefield, Jan Littlefield, Curt Roskelley, Chante McCoy Robinson, Peyton Robinson, Diana Flint, Edward Flint, Shane Richins, Rindy Richins, Robert Condas

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 City Council Representative, Morgan Anderson.

2.0 RECOGNITIONS

2.1 Administration of Oath of Office to New Police Officers

2.1.1 Chief Russo introduced new police officers Joseph Incardine, Michaela Larrabee, and Matthew Mann. The Oath of Office was administered by City Recorder Kory Solorio.

2.2 Recognition of Finance Director Steve Fawcett – Sunil Naidu

2.2.1 Sunil Naidu, President-elect of the Utah Government Finance Officers Association, presented Steve Fawcett with the Distinguished Budget Presentation Award from the Government Finance Officers Association. It was reported that Cottonwood Heights is one of only 17 cities in the State to receive the award recognizing excellence in municipal budgeting.

2.3 Recognition of Police Chief Robby Russo

2.3.1 Mayor Cullimore stated that the State's Substance Abuse Advisory Commission presents a governor's award each year to someone they feel has significantly helped address addiction and substance abuse issues. This year Chief Russo and the Cottonwood Heights Police Department were recognized as one of the recipients for their efforts in curbing impaired driving in Cottonwood Heights.

3.0 CITIZEN COMMENTS

3.1 Marcie Perkins expressed concern with the hiring of Terracare, the lack of snow plowing, and resulting safety issues.

- 3.2 Todd Leeds, representing the Belmont Terrace HOA, expressed concern with the hiring of Terracare and feels that Salt Lake County had done an acceptable job and the privatization of public services was a bad decision on the part of the City.
- 3.3 Tobi Paulos expressed opposition to privatizing public services. She stated concerns about safety associated with the lack of snow plowing.
- 3.4 Steve Issowits remarked that Terracare has insufficient equipment and he agrees with previous comments pertaining to the privatization of snow removal services
- 3.5 Robert Condas expressed concern with the snow removal and conditions of City roads during the last storm.
- 3.6 Becky Parker stated that she is anxious to hear solutions to the snow plowing issues.
- 3.7 Ross Hagger expressed opposition to the hiring of Terracare.
- 3.8 Benjamin Baird is of the opinion that Terracare drivers are not prepared for the area's road conditions and are in need of additional training.
- 3.9 Cory Wall shared concern regarding the reputation of Cottonwood Heights. He suggests the City reconsider the privatization of public services and revise and renew its contract with Salt Lake County.
- 3.10 Matt Stohlberg recommends resuming the previous contract with Salt Lake County and opposes the hiring of Terracare.
- 3.11 Mayor Cullimore stated that despite appearances, there was a significant effort over the last year to investigate and qualify Terracare prior to making a decision. He believes Terracare has the ability to do the job. Clearly, they have not proven that ability thus far. The Mayor noted that Terracare has the same number of large snow removal vehicles as Salt Lake County typically employed when they provided snow removal services. As far as making a change, the county would require several months notice to be able to obtain equipment and hire personnel to service Cottonwood Heights. The best option is to combine the services of Salt Lake County and Terracare in the short term, or see that Terracare improves there performance. All options are being reviewed and the City is taking citizen comments into consideration.
- 3.12 Councilman Bracken stated that the Terracare contract includes far more than just snow plowing. It is a public works contract that includes all facets of public works including infrastructure maintenance.
- 3.13 Councilman Tyler indicated that the matter is being taken seriously and the City is working diligently on the matter.
- 3.14 Councilman Peterson commented that the City has made it very clear to Terracare that the service provided thus far is not acceptable to the citizens or the Council.

4.0 **PUBLIC COMMENT**

4.1 **Exotic Pet Ordinance**

- 4.1.1 Mayor Cullimore presented the history of the Exotic Pet Ordinance and invited any recommendations or suggestions regarding the implementation of the revised ordinance.
- 4.1.2 Steve Issowits is of the opinion that the issue of the Exotic Pet Ordinance be scratched and that the City reverts back to the original code, and exotic pet owners should be issued one permit. Mr. Issowits asked for clarification regarding Section 8.36.010 of the proposed ordinance.
- 4.1.3 City Manager John Park clarified that the proposed ordinance states that the maximum number of animals for a hobbyist is 50. It also requires a veterinarian to inspect the premises and sets limits based on several factors.
- 4.1.4 Councilman Bracken commented that the proposed ordinance goes significantly beyond snakes and reptiles.
- 4.1.5 Daniel Lindberg expressed disappointment with the allowance of 50 of any type of pet. He is of the understanding that Mr. Cobb is running a business out of his home and is not a hobbyist.
- 4.1.6 Tobi Paulos expressed opposition to the number of animals allowed and is astounded that there would not be a maximum on rodents. She is concerned that this will be an enforcement nightmare and unreasonable in a residential area. She detailed her frustrations and disappointment.
- 4.1.7 Chante McCoy, from Pets and the City Magazine, addressed the welfare of the animals in question. She stated that in her opinion the proposed ordinance is essentially written to accommodate a resident who houses a large number of snakes. She believes that Mr. Cobb also breeds, buys, and sells them. She stated that Mr. Cobb's snakes are worthy of consideration and care and that she currently believes they are not receiving proper care.
- 4.1.8 Shane Richins, from Scales and Tails Utah, thanked the Council for their willingness to accommodate pet owners. He is of the opinion that Mr. Cobb provides proper care for his snakes.
- 4.1.9 Diana Flint believes that the biggest concern with Mr. Cobb is that he has taken shortcuts in the past by washing out cages and enclosures into gutters. She believes that Mr. Cobb's home is not secure. She remarked that breeder snakes are a hot commodity and easily stolen, making his home a magnet for burglaries and exposure. Ms. Flint urged the Council to restrict, but not eliminate, home ownership of pets to meet community standards.
- 4.1.10 Cory Wall stated that he opposes the keeping of snakes in a residential area. He considers this to be an activity that has gone to excess and should instead take place in a commercial area. He believes it has affected the value of neighborhood properties and reiterated the shortcuts that he believes are being taken by Mr. Cobb. Mr. Wall also expressed concern about the subjective nature of the approval of the veterinarian as listed in the ordinance.
- 4.1.11 Curt Roskelley expressed opposition to the proposed ordinance and concern regarding the excessive number of snakes allowed.
- 4.1.12 Chante McCoy stated that she believes there is inequity in the ordinance when compared to others.
- 4.1.13 Mayor Cullimore addressed concern with 50 animals being allowed. He reported that Mr. Cobb may have been the catalyst for the proposed ordinance, but it was not created on his behalf. He explained that the ordinance is specifically crafted for indoor pets, while trying to establish boundaries as to what is allowable. He noted that comments will be considered carefully.

- 4.1.14 Councilman Bracken explained the maximum allowance of exotic pets in detail to clear up any ambiguity to pet and property owners. Setting a specific limit is more easily enforceable than a non-specific limit.
- 4.1.15 Councilman Peterson stated that he appreciates the public comments made and will consider them further.
- 4.1.16 Mike Littlefield commented that he questions the present location of Mr. Cobb's snakes. He wonders if they are still in the former home or if Mr. Cobb has moved them.

5.0 **REPORTS/PROCLAMATIONS/RECOGNITIONS**

5.1 **Fiscal Year 2013 Comprehensive Annual Financial Report**

- 5.1.1 Russ Olsen, from Larson & Rosenberger LLC, presented the audit for the fiscal year ending June 30, 2013, and stated that it must be filed with the State Auditor's office by December 31. In the opinion of Larson & Rosenberger LLC the financial statements present fairly in all material respects, including the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information for the City of Cottonwood Heights. Internal compliance and control was detailed. The finding regarding budget compliance, which is classified as a state compliance finding, stemmed from an accrual made during the course of the year for a payment to be made the following year. The accrual was insufficient and resulted in expenditures that are approximately \$10,000 over budget. Mr. Olsen clarified that the accrual was correct, however, the budget was not.

5.2 **Standing Monthly Reports/Quarterly Reports**

5.2.1 **Monthly Financial Report**

Finance Director Steve Fawcett presented the financial report for November. He reported in the last fiscal year, Cottonwood Heights had revenues of \$15,630,003. That number represented \$311,797 of additional revenue over original budget. Operating expenditures were \$13,903,870, resulting in an underexpend of \$590,483 compared to original budget. Over the course of the year, the City infused an additional \$571,000 into the Capital Improvements Budget over and above the \$803,000 initially appropriated for capital improvements. With regard to the final amended budget, the City anticipated using \$543,000 of fund balance for expenditures. In the end, only \$70,000 was used and the remainder went into the Capital Improvements Fund.

Mayor Cullimore clarified that the City ended the year with a fund balance identical to the prior year, with the exception of \$70,000 in the General Fund. The City was able to move \$1.3 million to the Capital Facilities budget.

Mr. Fawcett reported that the 2014 budget for property tax is \$6.6 million. \$4.9 million is budgeted for sales tax. Franchise taxes increased slightly and business licensing and building permits are on target. It was noted that Class C Road Funds have not improved. It was also reported that all departments are within budget.

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

5.3.1 **Unified Fire Report**

The November report was postponed and will be presented via email.

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

November Police Report

Police Support Supervisor Sheila Jennings presented statistics for the month of November. She stated that the conversion of the server to VECC had somewhat of an effect on the records management system and the statistics that will be corrected next month.

Priority 2 calls for service were down and Priority 2 calls for service were slightly higher. It was noted that Priority 3 response times were slightly higher and Priority 1 response times were slightly lower. With regard to the overall crime view there was an increase in stolen vehicles due to vehicles being left running. There were 75 arrests, 73 were adult arrests and 2 were juvenile arrests.

Crimes were reviewed by district and it was noted that District 2 had a total of 25 offenses as opposed to a total of 125 offenses in September. All districts showed a decrease during the month. There were a total of 245 traffic citations and DUIs issued. November had 41 traffic crashes reported with property damage and 12 resulting in injury.

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

6.0 **ACTION ITEMS**

6.1 **Consideration of Resolution No. 2013-53 Approving an Amendment to a Previously Adopted Amended and Restated Interlocal Agreement with Valley Emergency Communications Center (VECC)**

6.1.1 Mayor Cullimore explained that the proposed resolution is an amendment that requires a majority vote from the members of the interlocal agreement.

6.1.2 **MOTION:** Councilman Shelton moved to approve Ordinance No. 2013-53. The motion was seconded by Councilman Tyler and passed unanimously on a roll call vote.

6.2 **Consideration of Resolution No. 2013-54 Approving Amendment No. 1 to Agreement for Public Works-Related Materials and Services Between Salt Lake County and Cottonwood Heights**

6.2.1 Mayor Cullimore explained that the proposed resolution is an interlocal agreement with Salt Lake County allowing the purchase of signs under the Public Works-related material contract.

6.2.2 **MOTION:** Councilman Bracken moved to approve Ordinance No. 2013-54. The motion was seconded by Councilman Peterson and passed unanimously on a roll call vote.

7.0 **CONSENT CALENDAR**

7.1 **Approval of Minutes for November 26, 2013, December 3, 2013 and December 5, 2013**

7.1.1 The minutes stood approved.

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

8.1 **MOTION:** Councilman Peterson moved to adjourn and reconvene the work meeting. The motion was seconded by Councilman Tyler and passed unanimously on a voice vote. The business meeting adjourned at 9:04 p.m.