

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK MEETING
HELD TUESDAY, NOVEMBER 8, 2016 AT 6:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL
BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

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

Staff Present: Community and Economic Development Director Brian Berndt, City Manager John Park, Finance Director Dean Lundell, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Public Works Director Matt Shipp, Assistant City Manager Bryce Haderlie, City Attorney Shane Topham, City Recorder Paula Melgar, Public Relations Specialist Dan Metcalf

1. Canyons School District.

Ms. Nancy Tingey from the Canyons School District provided the City Council with a monthly report on District news and events. She reported that the grass at Butler Elementary is in and should take root by spring. Concerns with egress from the parking lot have been addressed and are now up to Code. Shrubs and fencing have been removed and they will continue to monitor the situation, especially during pickup and drop-off times. In response to a previous inquiry from the Mayor, Ms. Tingey stated that start times, bus routes, and crossing guard services are going well.

Ms. Tingey reported that with winter approaching, the District had questions about the catwalks behind some of the schools. They are concerned that they are not within the District's jurisdiction and will not be cleared by the School District. Councilman Peterson stated that they are covered by the Public Works contract with Salt Lake County. Mayor Cullimore explained that because there is nowhere to put the plowed snow, those areas are often closed until they can be properly cleared.

With regard to the Butler Middle School Auditorium, the District met with the Arts Council and the process is moving forward. Further issues will be addressed as they arise. Ms. Tingey next described legislative concerns regarding the State Board revisiting the High School Activities Association on a rule change. The previous Friday, the State Board met and approved action concerning the transfer rule. They granted approval for the new rule that will most likely receive final approval at the December meeting. The rule attaches eligibility to varsity level athletes where a student can play a varsity sport at a particular school and then transfer to play a different varsity sport at a different school. This change will give students and parents more latitude with regard to choices. On a third transfer, a student will not be eligible for varsity sports for a 12-month period and must sit out. Equalization and funding of public schools was discussed. There had been discussion within the legislature about how to rectify the issue. The State Board is working with the legislature on the State's access and accountability system.

Ms. Tingey reported that the Canyons School District received the distinction of being on the AP Honor Roll again and Brighton High School was listed on the top 10 pass AP test rate. Their Volleyball team placed 5th in State and the Debate program performed very well at a recent competition.

2. Review of Business Meeting Agenda.

The agenda items were reviewed and discussed. Mayor Cullimore reviewed the agenda and the Public Comments and Public Hearing on the Public Facility Use.

3. Public Relations Report.

Public Relations Specialist, Dan Metcalf, had no news to report. He informed the Council that most of the content for the December newsletter is complete and the next deadline will be December 13.

4. Planning and Economic Development Report.

a. Planning Commission meeting of November 2, 2016.

Community and Economic Development Director, Brian Berndt, reported on the November 2, 2016 Planning Commission Meeting. He reported that the McCormick property public hearing went well and will be scheduled for action next month. The daycare application on Cloverdale was next addressed. The Planning Commission recommended approval subject to ordinance compliance restrictions and proof that the applicants reside there. Mr. Berndt reported that Craig Bevan was elected as the New Planning Commission Chair and New Commission Member Jesse Allen was introduced.

b. Business Association Luncheon.

Mr. Berndt reported on the Business Association Luncheon held November 2, 2016 and thanked those who attended. There were recommendations made on various topics and those in attendance appreciated the networking. Councilman Peterson stated that everyone was complimentary of the Business Association.

City Manager, John Park, reported that the number and variety of businesses has been growing.

Mr. Berndt indicated that several BYU students looking for a class project will help with the Wasatch Boulevard survey on public engagement and have sent out 1,800 invitations.

Mayor Cullimore asked where Code definitions can be found in anticipation of future action on the definitions. Mr. Berndt explained that several contain definitions and others do not. The goal is to consolidate all of the definitions into one chapter. City Attorney, Shane Topham, stated that he will need to look at the issue again as there might be value in keeping some definitions with their chapters or titles. Mr. Berndt pointed out that this is something that can be addressed at a later time. Mayor Cullimore agreed.

5. Public Works Report.

Public Works Director, Matt Shipp, indicated that he would make his report during the Business Meeting.

6. Public Safety Reports.

a. Unified Fire Authority.

Acting UFA Chief, Mike Watson, reported on events of the week. He reported that the Fire Chief hiring process is winding down with the finalists being selected over the weekend. There are a total of four with three candidates from outside the area. There will be a tour and a Monday night social that Mayor Cullimore planned to attend. Staff was invited to attend the Board Meeting scheduled for the following Tuesday.

1. Report on UFA Special Board Meeting Held November 2, 2016.

Mayor Cullimore reported that a letter was received from the State Auditor and Utah Attorney General's Office indicating that the UFA Board violated the Open and Public Meetings Act when they came out of a Closed Session back in August and authorized the City Attorney to negotiate a Separation Agreement with Chief Jensen. Their claim was that the City took action on something that was not on the agenda. They did not authorize the Separation Agreement but authorized the negotiation and never brought the matter back for final approval. The Mayor expressed disappointment that legal counsel did not catch the error. The City had a choice to remedy the situation by holding an open public meeting that was properly noticed and then approve it. The State Auditor notified the City that they need to recapture all of the money paid to Chief Jensen and not to pay anything further until the matter is resolved. It was their opinion that there was ample reason to terminate for cause and there should be no severance paid. The Board decided to approve the agreement and avoid possible litigation.

Mayor Cullimore reported that the auditors found much deeper issues and continued to find more. They will issue their report in the next few weeks. He realized that the Board will be criticized for their decision but stated that they need to do what is right for the organization.

b. Police Department.

Police Chief, Robby Russo, reported on noteworthy events of the week and confirmed he will make a report at the upcoming Business Meeting. He was congratulated for becoming a new grandfather.

The Sergeants Examination began this week and academy positions will be offered in the next few weeks. He also stated that there will be some personnel issues in the weeks to come.

7. City Manager/Assistant City Manager Report.

a. City Hall Report.

Mr. Park provided the Council with a report on the progress of closing out the punch list for construction of City Hall, such as proper signage of the City Hall entrance, toilet leakage, and the lights and power in the City Council Work Room.

The City Council Work Session was continued at approximately 7:00 p.m. so that City Council could begin the scheduled Business Meeting. The City Council Work Session resumed at approximately 8:00 p.m.

b. Review of Staff Communications.

It was reported that each week staff informational reports are provided from each department to keep the City Council apprised of the day-to-day activities of the City. The report is available at www.ch.utah.gov. The above agenda item was set aside to allow the Council Members to ask questions or for staff to bring the Council up-to-date on any changes made since the report was prepared.

There were no comments from the City Council.

Councilman Peterson expressed interest in visiting the Salt Storage Shed and getting a tour of the Public Works Yard.

8. Mayor/City Council Reports.

a. Jordan River Commission Meeting – Councilman Tyler.

Councilman Tyler reported on the recent Jordan River Commission Meeting and stated that the removal of invasive weeds was discussed. The Jordan River Commissions website contains five main sections and can be found at www.myjordanriver.com. He reported that the Commission is working on signage for the river. Councilman Tyler reminded the Council of the upcoming Strategic Planning Retreat. There was discussion regarding a greenhouse being built to give incarcerated youth an opportunity to work on the vegetation that grows by the river. It was reported that the City of South Jordan plans to beautify their portion of the river bank.

b. Arts Council Meeting – Councilman Shelton.

Councilman Shelton reported on the recent Arts Council Meeting. Mayor Cullimore indicated that they were supposed to be collecting \$30,000 from the County. After an inquiry was made, they communicated that the funds would be released last week. Finance Director, Dean Lundell, confirmed that the funds have not yet been received. Mayor Cullimore asked Mr. Lundell to inform him if the funds are not received the following week so that he can follow up.

9. Calendar of Events.

Councilmember Schedules for the next week/ 2016-2017 Calendar:

- a. Nov 22 – No Council Meeting – Thanksgiving Week**
- b. Nov 24 - Thanksgiving Day 5K – Race starts at 9 a.m.**
- c. December 6 – City Employees Christmas Party – No Council Mtg.**
- d. December 27 – No Council Meeting – Christmas Holiday**
- e. January 28, 2017 – Volunteer Appreciation Dinner**

10. Closed Meeting to Discuss Litigation, Property Acquisition and the Character and Professional Competence or Physical or Mental Health of an Individual.

There was no need for a Closed Meeting.

11. ADJOURN

Councilman Bracken moved to adjourn. Councilman Shelton Second the motion. The motion passed unanimously.

The meeting adjourned at 8:13 p.m.

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6 **Members Present:** Mayor Kelvyn Cullimore, Councilman Scott Bracken, Councilman Mike
7 Shelton, Councilman Mike Peterson, Councilman Tee Tyler
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9 **Staff Present:** Community and Economic Development Director Brian Berndt, City Manager
10 John Park, Finance Director Dean Lundell, Police Chief Robby Russo,
11 Assistant Fire Chief Mike Watson, Public Works Director Matt Shipp,
12 Assistant City Manager Bryce Haderlie, City Attorney Shane Topham, City
13 Recorder Paula Melgar, Public Relations Specialist Dan Metcalf
14

15 **1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**
16

17 1.1 Mayor Kelvyn Cullimore called the meeting to order at 7:05 p.m. and welcomed those
18 attending.
19

20 1.2 Councilman Peterson led the Pledge of Allegiance.
21

22 **2.0 CITIZEN COMMENTS**
23

24 2.1 A representative from Cotton View Ridge and the Montessori Day Care Center was present
25 and expressed concern with the installation of the new sewer line along Fort Union Blvd east
26 of 3000 East. He discussed his concern over the screening of the soil removed from the
27 trenching being done on the side of Fort Union Blvd and the impact it is having on surrounding
28 neighbors. He proposed moving the filtering operation to the gravel pit where such
29 operations conform to zoning code. He spoke with the superintendent of the contracting
30 company who informed him of the original contract requiring them to remove all of the soil
31 from the trenches and replace it with clean fill which is why they are doing the screening
32 operations on the side of the road. City staff and Mayor Cullimore were responsive to his
33 concerns when he brought them to their attention, but nothing has yet been done. With the
34 operation taking a hiatus for the winter, the time is now to discuss how it will be changed in
35 the spring. The definition of a “quarry” was reviewed since that is the most likely definition
36 of the screening operation being performed. The current property on which the operation is
37 being performed is zoned residential and owned by the Walker Family Trust. Likewise the
38 gravel pit, which is zoned for quarry operations, is also owned by the Walker Family Trust. .
39

40 2.2 Mayor Cullimore reported that he followed up on their complaint and sent a detailed email
41 to the entire City Council informing them of the concerns. The City’s legal counsel was
42 asked to consider various options. They plan to meet with the Cottonwood Improvement
43 District to see what solutions can be implemented. The Mayor was confident that there
44 will be mitigations made that will hopefully address the concerns before operations restart
45 in the Spring.
46
47
48

1 **3.0 PUBLIC HEARING**

2
3 **3.1 Building Use Policy and Fee Schedule for Cottonwood Heights City Hall – continued**
4 **from October 25th, 2016.**
5

6 3.1.1 Mayor Cullimore reported that the above item is a continuation from the October 25, 2016
7 Meeting regarding the Building Use Policy and Fee Schedule for the new Cottonwood Heights
8 City Hall. The policy for use of the Community Room had not yet been published on the
9 City’s website at that time so it was posted and time allowed for the public to review it before
10 a hearing was concluded.
11

12 3.1.2 Mayor Cullimore opened the public hearing. There were no comments. The public hearing
13 was closed.
14

15 **4.0 Standing Monthly Reports.**

16
17 **4.1 a. Police Report – Police Support Supervisor Candie Terry.**
18

19 4.1.1 Police Support Supervisor, Candie Terry, presented the Police Report for the month of
20 October 2016. She reported that the department conducted an Active Shooter Drill at the
21 offices of Jet Blue Airlines at the request of Company executives. Police Chief, Robby Russo,
22 will present the video of the training session to the City Council once it has been completed
23 by Jet Blue. However, these same drills were performed in other cities where Jet Blue operates
24 offices in California and New York and they complimented Cottonwood Heights on running
25 the best drill of all they had participated in. Calls for service were next reviewed. There were
26 370 911 calls received, 534 on-view calls, and 854 phone calls. There were 458 Priority 1
27 calls, 427 Priority 2 calls, and 337 Priority 3 calls. Response times for Priority 1 calls
28 averaged 4:31, Priority 2 calls averaged 6:08, and Priority 3 calls averaged 7:08.

29 4.1.2 Chief Russo discussed a trend among teenagers to damage vinyl fencing. He emphasized the
30 importance of reporting suspicious situations when they are first observed rather than waiting.
31 Arrests were up with 118 adult arrests and 14 juvenile arrests. There were 239 traffic citations
32 issued with 11 DUIs and 77 warnings.
33

34 **4.2 b. Public Works Report – Public Works Director Matt Shipp.**
35

36 4.2.1 Public Works Director, Matt Shipp, presented the Public Works Report for the month of
37 October 2016 and stated that the transition to establishing our own Public Works department
38 is going smoothly. The only item remaining to complete the transition plan is the salt shed.
39 The building was expected to be delivered around November 28. The street sweeper now
40 includes a tracker so staff can easily track its course. Mr. Shipp reported that the first 16 items
41 listed on the 50/50 concrete program have been finalized. He stated that the Fort Union
42 pedestrian crossing will be completed this week. The hydro-demo on I-215 is also near
43 completion. Work on the Union Park median was scheduled to start on Monday.
44

45 4.2.2 Mayor Cullimore asked Mr. Shipp if personnel issues have been addressed and resolved. He
46 explained that two employees left but have been replaced by seasonal employees that were
47 hired full-time. A new seasonal employee was recruited to make up for the vacancies created.
48

1 4.2.3 Councilman Tyler stated that a friend of his, who resides east of Mountview Park informed
2 him that for the last 30 days the gate to the park has remained unlocked. Mr. Park stated that
3 he would investigate the issue.
4

5 4.2.4 Councilman Tyler reported that the ‘Welcome to Cottonwood Heights’ sign on Union Park
6 Avenue near Old Navy is blocked due to overgrown landscaping. Mr. Shipp stated that he
7 would have it cleaned up and the shrubbery trimmed.
8

9 **5.0 ACTION ITEMS**

10
11 **5.1 Resolution 2016-89 Tentatively Adopting an Amended Budget for the Period of 1 July**
12 **2016 through 30 June 2017.**
13

14 5.1.1 Mayor Cullimore reported that the above resolution approves the tentative adoption of an
15 amended budget for the period of July 1, 2016 through June 30, 2017. To better assure the
16 accuracy of the City's annual budget, the City Council reviews and amends the budget each
17 quarter of each fiscal year. The proposed resolution will tentatively adopt an amended budget
18 for the current fiscal year, provide for public inspection of the budget, set the time and place
19 of the public hearing on such an amendment, and provide for newspaper publication of the
20 public hearing.
21

22 **5.1.2 MOTION:** Councilman Tyler moved to approve Resolution Number 2016-89. The motion
23 was seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye,
24 Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor
25 Cullimore-Aye. The motion passed unanimously.
26

27 **5.2 Resolution 2016-90 Declaring Certain Property Surplus.**
28

29 5.2.1 Mayor Cullimore reported that the above resolution declares certain property surplus. The
30 property is held by the Police Department and has been acquired in various ways over time
31 including the disposal of unclaimed property.
32

33 **5.2.2 MOTION:** Councilman Bracken moved to approve Resolution Number 2016-90. The
34 motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye,
35 Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor
36 Cullimore-Aye. The motion passed unanimously.
37

38 **6.0 CONSENT CALENDAR**
39

40 **6.1** The City Council approved the minutes of the October 11 and 18 Work Session and the
41 October 25, 2016 City Council Business Meeting.
42

43 **6.1.1 MOTION:** Councilman Shelton moved to approve the consent agenda. The motion was
44 seconded by Councilman Peterson. The motion passed with the unanimous consent of the
45 Council.
46
47
48

- 1 **7.0** **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN**
2 **ROOM 250**
3
4 **7.1** **MOTION:** Councilman Peterson moved to adjourn the Business Meeting and reconvene the
5 Work Session. The motion passed with the unanimous consent of the Council.
6
7 **7.2** The Business Meeting adjourned at 8:00 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*
2 *Heights City Council Business Meeting held Tuesday, November 8, 2016.*

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10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14 Minutes approved: December 13, 2016