

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD
TUESDAY, MAY 24, 2016 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY
COUNCIL CHAMBERS**

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

Staff Present: City Manager John Park, Assistant City Manager Bryce Haderlie, City Attorney Shane Topham, Finance Director Dean Lundell, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Planner Mike Johnson, Senior Planner Glen Goins

Others: Ann Bracken, Grant Kesler, Irv Eastman, Lynne Kraus, Jill McGee, Gary McGee, Michael Braun, Susan Despain, Cassie Goff, Members of the Youth City Council

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Kelvyn Cullimore called the meeting to order at 7:01 p.m. and welcomed those attending.

1.2 Councilman Peterson led the Pledge of Allegiance.

2.0 ADMINISTRATION OF OATH OF OFFICE

2.1 Mayor Cullimore welcomed the Youth City Council and expressed gratitude for the contributions they make to the city.

2.2 Councilman Bracken reported that the election of Youth City Council Members takes place annually. Four officers are elected in addition to 30 to 35 additional participating members. Members strive to provide service, attend meetings, and come to better understand municipal government in addition to enjoying social activities.

2.3 Youth City Council Mayor, Scotty Wolston, introduced the 2016 Executive Council which includes Annie Kaufman - Public Relations, Margaret Selfridge - Public Relations Deputy, Annie Yun - Treasurer, David Zahn - Recorder, Lareesa Sumsion - Deputy Recorder, and Michael Odrabina as Planning Commission Chair. Elected officials include Derek Heiner - Service Officer, Joshua Schwendiman - Deputy Service Officer, Mia Parker - Social Officer, Gabi Fritch - Deputy Social Officer, Nick Tygason - Education Officer, Oliver Proctor - Deputy Education Officer, and Scotty Wolston - Mayor.

2.4 The Oath of Office was administered by City Recorder Linda Dunlavy and Mayor Cullimore expressed appreciation to Scott and Ann Bracken for their time and dedication to the Youth City Council.

3.0 **CITIZEN COMMENTS**

- 3.1 Lynne Kraus thanked the Council for taking time to read the public comments on the rezone and general plan amendment requests. With regard to references to other more densely developed properties addressed at the previous Work Session, she pointed out that they included properties located in Sandy City. Ms. Kraus was of the opinion that use of the word “disingenuous” when referring to public comment makes a mockery of the public comment process.
- 3.2 Michael Braun stated that he reviewed all of the taped conversations from previous meetings where the Kesler and ROLA V applications were discussed. He disagreed with the statements made by staff regarding the Granite Land Use Plan calling for two units per acre, which he believed to be incorrect. He said that the property, per the County zoning maps specifies that the zoning is less than two units per acre. He believes that the lack of equivalency in comparing and making amendments to the plan and zones when assigning R-1-21 is wrong.
- 3.3 There were no additional citizen comments.

4.0 **REPORTS**

Standing Monthly Reports.

4.1 **Monthly Financial Report – Finance Director Dean Lundell.**

- 4.1.1 Finance Director, Dean Lundell, presented the financial report for the month of April and stated that sales tax reporting for the month is approximately 6.4% higher than the previous year and the Municipal Energy Sales and Use Tax came in slightly less than originally anticipated. Expenditures were reported at \$400,000 less than budgeted. \$18 million was budgeted in the General Fund of which approximately \$15.3 million had been spent. A complete report is available on the City’s website.

4.2 **Unified Fire Report – Assistant Chief Mike Watson.**

- 4.2.1 Assistant Chief, Mike Watson, presented the Fire Report for the month of April noting that they now have a full 12 months of data from the same data base. Fire calls decreased by a total of 30. There were 147 medical calls received falling to the three top categories of falls, traffic accidents, and psych and behavioral. The top fire call categories were alarms, natural gas leaks, flooding, and hydrant issues. Station 110 received 53 Advanced Life Support (ALS) calls, with 26 resulting in transports; and 42 Basic Life Support (BLS) calls with 14 transports. Station 116 received 22 ALS calls with 12 transports; and 30 BLS calls with 12 transports.

Chief Watson reviewed the current Battalion Chiefs, Captains, Paramedics, and Engineers. He noted that Chad Green submitted a bid and was accepted into the Hazmat Program, which leaves a vacancy in Station 116’s A Platoon.

The Customer Service Report included station tours, and reviews and certifications. It was reported that St. Mark's Hospital recently held a disaster drill; and water rescue training is under way. The Safety Report urged residents to use caution when outside, especially with regard to managing and extinguishing fires.

5.0 ACTION ITEMS

5.1 Consideration of Ordinance No. 254-A Approving a General Plan Amendment, Zone Map Amendment and Development Agreement on Approximately 15 Acres of Land Located at 9361 South North Little Cottonwood Canyon Road (Grant Kesler).

5.1.1 Mayor Cullimore reported that the first four action items deal with adjacent pieces of property. There are two options for each. Ordinance Number 254-A approves a General Plan Amendment, Zone Map Amendment and Development Agreement of approximately 15 acres of land located at 9361 South North Little Cottonwood Canyon Road. Ordinance Number 265-D involves the denial of the same plan.

Ordinance No. 255-A will require similar action be taken on an adjacent property known as the ROLA V property. Ordinance No. 255-D is the denial of that particular plan. Comments on Ordinance 254 will carry over and be applied to Ordinance 255. The Council Members will be given a chance to discuss and comment on these two ordinances.

5.1.2 **MOTION:** Councilman Tyler moved to approve Ordinance Number 254-A. The motion was seconded by Councilman Shelton.

5.1.3 Councilman Tyler remarked that both items are located in District 4, which is the District he represents. He said that much thought had been put into this decision and the Council has spent many hours reviewing text messages, emails, and letters that have been received by the City's Planning Department regarding the general plan amendment and rezoning. He pointed out that they have studied and discussed the matter for months and he commended the Planning Department for their efforts. The Planning Commission has also been heavily involved for at least nine months. The Council received an audio recording of each of the Planning Commission meetings where public comment was received. Councilman Tyler explained that the two properties are important in terms of sensitive lands in the City, however, there are owners and developers who have gone out of their way to mitigate the issues and make the property better. A Development Agreement which involves more than half of the property and places it in a Conservation Easement is part of what is being approved. Both properties will share an ingress and egress to alleviate potential traffic issues. Even though the properties may be rezoned, UDOT will still have to weigh in, as will Salt Lake City Water. He noted that the Planning Commission Chair commented that the developers have done their best to make the property the best it can be.

5.1.4 Councilman Peterson remarked that when the matter was heard by the Council several months earlier, his first inclination was that it would be opposed. He visited the site, walked the property, and looked at surrounding developments. He also listened to the audio recordings and read numerous letters, 90% of which were in opposition. As the matter was researched further, he recognized the time and effort put in by staff and the developers to come up with the Development Agreement including the Conservation

Easement which protects steep slopes. He was persuaded to understand how the proposal would be compatible with its surroundings based on the agreement to limit the number of lots and the prohibition of PUD development. Councilman Peterson complimented staff for their work and the citizens for their input.

- 5.1.5 Councilman Shelton thanked those who offered input on the issue. He explained that the Council spent a great deal of time contemplating what was said in addition to traveling the site and evaluating the issues. Both properties are beautiful and have in some ways been used to the public benefit, although they are privately owned. If approved, he was concerned that there could be a sense that the Council granted approval because of the potential revenue that will be generated for City. He emphasized that played no part in the Council's decision. What concerned the Council was balancing the private property rights with the rights of the adjacent property owners. The difference between the original denial and this recommendation of approval involved a number of measures to balance the needs and desires of property owners. He expressed gratitude to the Planning Commission and others who have worked diligently on this issue.
- 5.1.6 Councilman Bracken concurred with Councilman Peterson's remarks that with the initial review of the rezone request, there was a lot of confusion involved in implementing the changes. He commended the legal team, owners, and staff for ensuring that the Development Agreement addresses the worst-case scenarios. He noted that most of the comments receive by the Planning Commission and City Council were negative and had to be balanced against the rights of the property owners. He explained that everyone has the right to petition for this type of a change to their zoning or the General Plan and agreed that conservation of the 30% slope and a permanent Conservation Easement is very beneficial.
- 5.1.7 Mayor Cullimore thanked the Council for their work, listening to meetings, reviewing documentation, and taking visits to the site to become better educated on the issue. He believed that all involved had serious concerns about the rezoning and general plan amendments. He said that to the credit of the Planning Commission and property owners, there was an effort to mitigate and negotiate in order to come up with something that makes sense. As a Council, they are charged with making decisions relative to private property rights and balancing that against the rights of surrounding property owners, taking into account the general public sentiment regarding various types of development. He explained that legal considerations, balancing the rights of property owners against the City's General Plan, community expectations, how the proposal may impact surrounding property owners, and the character of the City all need to be considered. After having read several comments, the comments the Mayor found most troubling was that owners should accept the F-20 zoning since they were aware of it when they purchased their property. He said that if the City were to abide by that statement, none of the homes on the east side would have been built, pointing out that most of the property in the area was developed using a similar process. What he found interesting is that the ROLA V property predates zoning.
- 5.1.8 With regard to the issue of the Granite Community General Plan, it was clearly understood that the zoning was limited to development on property of less than two acres. The proposal is consistent because even though the underlying zoning would allow two units per acre, the reality is that the Development Agreement as written, limits development to

under two acres or two units per acre. The negotiated Development Agreement represents a good faith effort to address all of the Planning Commission and City Council concerns and to provide the community with a product that is consistent with the area. A majority of the property is preserved with a Conservation Easement, prohibits PUDs, and prevents 30% bonus provisions. In addition, the trail access and alignment will be better served as some disregard the fact that this is private property. The alignment with Wasatch Boulevard makes it consistent with the General Plan in terms of protecting view sheds and ridgeline development. He considered it to be a fair compromise between the public interest and the private property owners. One of the most significant arguments against approval pertained to aesthetics. The Mayor explained that the proposed development will not affect all view sheds and that there is denser development further up the canyon and immediately across the street. He does not believe the proposal will change the character of the canyon entrance, and is consistent with development in the area and with the general plan. Mayor Cullimore said that it does not appear that traffic concerns are material since the additional traffic generated will be minimal compared to what currently exists.

Some have expressed concern that this action would set a dangerous precedent. Mayor commented that if there are similar properties that are of concern, interested individuals can work with the City to purchase the properties so that they can be preserved as conservation areas to avoid unwanted development.

5.1.9 **Vote on motion:** Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

5.2 **Consideration of Ordinance No. 254-D Denying a General Plan Amendment, Zone Map Amendment and Development Agreement on Approximately 15 Acres of Land Located at 9361 South North Little Cottonwood Canyon Road (Grant Kesler).**

5.2.1 Mayor Cullimore explained that the approval of Ordinance Number 254-A deems the above item unnecessary.

5.3 **Consideration of Ordinance No. 255-A Approving a General Plan Amendment, Zone Map Amendment and Development Agreement on Approximately 11.54 Acres of Land Located at 3801 East North Little Cottonwood Canyon Road, (ROLA V. LLC).**

5.3.1 Mayor Cullimore reported it was the consensus of the Council that their comments from Ordinance Number 254-A apply to this Ordinance as well.

5.3.2 **MOTION:** Councilman Bracken moved to approve Ordinance Number 255-A. The motion was seconded by Councilman Peterson. **Vote on motion:** Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Petersen-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

5.4 **Consideration of Resolution No. 255-D Denying a General Plan Amendment, Zone Map Amendment and Development Agreement on approximately 11.54 acres of land located at 3801 East North Little Cottonwood Canyon Road, (ROLA V, LLC).**

5.4.1 Mayor Cullimore reported that approval of Ordinance Number 255-A deems the above item unnecessary.

5.5 **Consideration of Ordinance No. 256 Renaming 7000 South to Staker Way.**

5.5.1 Councilman Shelton explained that several years earlier 7000 South was a private lane, and when the street became public, the City chose to change its name to Staker Way. Due to issues with postal delivery and other delivery services, it was not addressed in compliance with the change. The City is now considering the name change via ordinance to Staker Way and finalizing the required documentation so that postal delivery services will recognize the change.

5.5.2 **MOTION:** Councilman Shelton moved to approve Ordinance Number 256. The motion was seconded by Councilman Bracken. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

5.6 **Consideration of Resolution No. 2016-42 Approval of a Revised Interlocal Cooperation Agreement Between Salt Lake County and Cottonwood Heights for Corridor Preservation Funds.**

5.6.1 Mayor Cullimore reported that the proposed Resolution approves a contract for an Interlocal Agreement with Salt Lake County for the use of Corridor Preservation Funds which will be used to enhance the Fort Union and Highland Drive intersection. Additional property will be purchased in order to widen that intersection. The Resolution approves \$196,000 in funding to help acquire the property.

5.6.2 **MOTION:** Councilman Peterson moved to approve Resolution Number 2016-42. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

5.7 **Consideration of Resolution No. 2016-43 Approving an Access Relocation Agreement Between Cottonwood Heights, Utah Department of Transportation and Rocky Mountain Power.**

5.7.1 Mayor Cullimore reported that the proposed Resolution approves an Access Relocation Agreement with UDOT and Rocky Mountain Power for property located at 3000 East where the public works yard will be located.

5.7.2 **MOTION:** Councilman Shelton moved to approve Resolution Number 2016-43. The motion was seconded by Tyler. Vote on motion: Councilman Shelton-Aye, Councilman

Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, and Mayor Cullimore-Aye. The motion passed unanimously.

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

6.1 **MOTION:** Councilman Peterson moved to adjourn the Business Meeting and reconvene the Work Session. The motion passed with the unanimous consent of the Council.

6.2 The Business Meeting adjourned at 8:02 p.m.