

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD
TUESDAY, JUNE 9, 2015, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL
CHAMBERS

Members Present: Mayor Kelvyn Cullimore (participated electronically), Mayor Pro
Tempore Scott Bracken, Councilman Mike Shelton, Councilman Mike
Peterson, Councilman Tee Tyler

Staff Present: Deputy City Manager Linda Dunlavy, Public Works Director Mike Allen,
Public Relations Specialist Dan Metcalf, City Attorney Shane Topham,
Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Police
Support Supervisor Sheila Jennings, Senior Planner Glen Goins, Finance
Director Steve Fawcett

Excused: City Manager John Park, Community and Economic Development
Director Brian Berndt

Others Present: Youth City Council Representative Erika Cunningham, Margarita Santini,
Jenessa Baird, Brett Garner, Joseph Blake Quinton

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Pro Tempore Scott Bracken called the meeting to order at 7:00 p.m. and
welcomed those attending. Mayor Cullimore participated in the meeting electronically.

1.2 The Pledge of Allegiance was led by Councilman Peterson.

2.0 PROCLAMATIONS

2.1 Proclamation Declaring July 1-July 7, 2015 as “Independents Week”

2.2 Mayor Pro Tempore Bracken stated that the proposed proclamation discusses
independent community members and locally-owned independent business owners who
are integral to the unique flavor of Cottonwood Heights. It is also the City Council’s
desire to honor their efforts to enrich the community.

2.3 Jenessa Baird, the Local First Utah Community Relations Coordinator, stated that they
are a non-profit organization. Their mission is to empower movement to recognize the
value and vitality of independent locally-owned businesses. Compared to national
retailers and independent businesses, when something is purchased from a local retailer,
nearly 55% is put back into the community. The proclamation declares July 1 through
July 7, 2015 as “Independents Week”.

3.0 **CITIZEN COMMENTS**

- 3.1 Brett Garner reported that he received in the mail the Cottonwood Heights City newsletter. He stated that any political content in a city-funded letter is inappropriate and possibly illegal. If any federal funds are going toward the publication or staff's preparation of the publication, it could be a violation of the Federal Hatch Act.
- 3.2 City Attorney, Shane Topham, thanked Mr. Garner for his comment and stated that he would review the information.

4.0 **PUBLIC COMMENTS**

4.1 **Public Comment to receive input on the Possible Adoption of a Municipal Energy Sales and Use Tax under Utah Code Ann. 10-1-301 et seq**

- 4.1.1 Joseph Blake Quinton stated that he considers this proposal by the State of Utah allowing cities to impose a tax where the tax base is not used directly to be a strange concept. He feels it is wrong to avoid local vendors, transfer those purchases by increasing taxes to oil companies, and ultimately increasing demand for their product. He commented that sales tax is the most regressive form of tax other than an income tax directly aimed at the poor. There is no relation to the item it is funding and it is highly cyclical. Sales tax revenue in a municipality also drops the fastest. It is Mr. Quinton's opinion that to tax the weakest among the people and tax the local communities is wrong. He urges the Council to not proceed with the proposal.
- 4.1.2 Finance Director, Steve Fawcett, stated that the Municipal Sales and Energy Sales and Use tax is a tax that is currently authorized by the State Legislature and has been for several years. It is currently a 6% tax and involves the consumption of natural gas or electricity. It is collected directly by the company that provides the energy and is remitted directly to the municipality that assesses the tax. It is similar to general sales taxes and is to go toward the cost of providing government services. It is not tied specifically to a particular service. It is seasonal since usage varies from month to month, however, over a given year, they have an idea of what the revenue outlook will be. As a source of revenue, it is not as volatile as general sales tax in periods where purchases decline. In fact, it is the opposite and is based on energy consumption. As users conserve energy, it impacts the tax generated, however, that impact has not been as volatile as the general sales and use tax. It is a tax that every city in the State of Utah with a population of 15,000 or greater charges currently. Cottonwood Heights is the only municipality that has never imposed it. The City delayed as long as possible in order to be fiscally prudent and would not have proposed it had they continued to have surplus funds, which have been utilized for the past five years.
- 4.1.3 Mr. Quinton stated that he misunderstood the wording on the notice for the public hearing and his comments were intended towards the proposed gasoline tax that may be on the ballot in November.

4.1.4 Mayor Cullimore stated that this is a common revenue source for municipalities and Cottonwood Heights is the only city in the state that has not implemented it. It provides a diversified revenue source for the budget. Property tax is flat and has generated \$6.5 million every year for the last 11 years while sales taxes have been volatile. The proposed tax will provide \$2.4 million of revenue each fiscal year. It involves those who receive City services who sometimes do not have the opportunity to contribute as much to the cost of those services such as non-profit organizations, ecclesiastical institutions and businesses that lease property instead of owning it.

4.1.4 There were no further public comments.

5.0 **REPORTS/PRESENTATIONS**

Standing Monthly/Quarterly Reports

5.1 **May Police Report**

Police Support Supervisor, Sheila Jennings, presented the police report for the month of May. She stated that on view calls (self-initiated actions by officers) were up due to an increase in citations. 911 calls were comparable to the previous month. In terms of calls for service by priority there were 519 Priority 1 calls, 380 Priority 2 calls, and 238 Priority 3 calls. Response times for Priority 1 averaged 4:38 minutes, Priority 2 averaged 6:34 minutes, and Priority 3 averaged 7:11 minutes. The overall crime view included 15 assaults, 14 burglaries, and 58 thefts. There were 132 adult arrests and 10 juvenile arrests. Ms. Jennings reported that the new seat belt law went into effect on May 1, 2015, and makes not wearing a seatbelt a primary offense. She noted that a driver cannot be cited unless they first receive a warning. She reported that there were 259 traffic citations, 214 warnings, and 14 DUIs issued. There were 34 traffic crashes with property damage resulting in 9 injuries.

5.2 **Public Works Report**

Public Works Director, Mike Allen, presented the Public Works Report for June. He reported that the Terracare cement work is now complete with the budget year. The ADA ramp project along Bengal Boulevard is delayed, but is now near completion. The Fort Union Park and Ride is also nearly complete. Terracare is painting crosswalks, striping lines, and working on routine maintenance. The Bengal Boulevard Road Improvement Project is underway for the sewer line replacement for the Cottonwood Improvement District and will be followed by concrete replacement. Mr. Allen reported that Fort Union Boulevard is currently in the process of being crack sealed.

6.0 ACTION ITEMS

6.1 **Consideration of Ordinance Number 242 Approving a General Plan Amendment and a Zoning Map Amendment for the Property Located in the "Granite Oaks" Annexation Area**

6.1.1 Mayor Pro Tempore Bracken explained that Ordinance Numbers 242 and 243 are very similar. The primary difference between the two is the map and actual location of the items. Two areas were annexed into the City over the last few months and a temporary zoning ordinance was applied to them. This ordinance formally makes those zones permanent with the associated land use rights, which are R-1-15 (Single-Family Residential), RR-1-21 (Rural Residential), RR-1-43 (Rural Residential), F-1-43 (Foothill Residential) or F-20 (Foothill Recreation), depending on the parcel in question.

6.1.2 **MOTION:** Councilman Tyler moved to approve Ordinance No. 242. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.

6.2 **Consideration of Ordinance Number 243 Approving a General Plan Amendment and a Zoning Map Amendment for the Property Located in the "Old Coventry" Annexation Area**

6.2.1 Mayor Pro Tempore Bracken stated that the proposed ordinance is a City-initiated zone change for properties included in the Old Coventry Annexation, from their respective Salt Lake County zoning designations to their corresponding Cottonwood Heights zoning designations, which are R-1-8 (Single-Family Residential) or PF (Public Facilities), depending on the parcel in question.

6.2.2 **MOTION:** Councilman Shelton moved to approve Ordinance Number 243. Councilman Tyler seconded the motion. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.

6.3 **Consideration of Resolution Number 2015-36 Declaring Certain Property Consumed in Normal Operations, Awarding a Retiring Police Officer his Badge, and Approving Purchase of a Police Firearm by a Retiring Police Officer**

6.3.1 Mayor Pro Tempore Bracken stated that the proposed resolution authorizes the City's Chief of Police, upon resolution of the City Council, to award a retiring CHPD officer his badge as a memento of his service to the City and/or to allow the retiree to purchase his pistol or other sidearm for such consideration as the City Council deems appropriate, which may be less than fair market value

6.3.2 Police Chief, Robby Russo, stated that the proposed resolution applies to Chad Soffe who will soon be accepting a Chief position at another department.

- 6.3.3 **MOTION:** Councilman Peterson moved to approve Resolution Number 2015-36. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.
- 6.4 **Consideration of Resolution Number 2015-37 Approving Entry into an Event Proposal and Contract with Bill Coleman Entertainment for 2015 Butlerville Days**
- 6.4.1 Mayor Pro Tempore Bracken stated that the proposed resolution approves a contract with Bill Coleman Entertainment for 2015 Butlerville Days.
- 6.4.2 Councilman Peterson clarified that the contract is for on-stage entertainment to ensure that appropriate marketing flier and brochures can be printed.
- 6.4.3 **MOTION:** Councilman Tyler moved to approve Resolution Number 2015-37. The motion was seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.
- 6.5 **Consideration of Resolution Number 2015-38 Approving Entry into an “Event Proposal” Contract with Custom Events, Inc. for 2015 Butlerville Days**
- 6.5.1 Mayor Pro Tempore Bracken stated that the proposed resolution approves a contract with Custom Events, Inc. for 2015 Butlerville Days.
- 6.5.2 Councilman Peterson stated that Custom Events provides the inflatable rides and collects and handles the money, which is audited by the City and is a positive return over expenses for Butlerville Days.
- 6.5.3 **MOTION:** Councilman Peterson moved to approve Resolution Number 2015-38. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.
- 7.0 **CONSENT CALENDAR**
- 7.1 **Approval of Minutes for May 26, 2015**
- 7.2 The minutes stood approved.
- 8.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**

- 8.1 **MOTION:** Councilman Tyler moved to adjourn the business meeting and reconvene the work session. The motion was seconded by councilman Shelton and passed unanimously on a voice vote. The business meeting adjourned at 7:51 p.m.

Minutes approved: 06/23/2015