

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD
TUESDAY, SEPTEMBER 22, 2015, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY
COUNCIL CHAMBERS**

Members Present: Mayor Pro Tempore Scott Bracken, Councilman Mike Shelton, Councilman Mike Peterson, Councilman Tee Tyler

Staff Present: City Manager John Park, Deputy City Manager Linda Dunlavy, Public Relations Specialist Dan Metcalf, City Attorney Shane Topham, Community and Economic Development Director Brian Berndt, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Finance Director Dean Lundell

Excused: Mayor Kelvyn Cullimore

Others Present: Youth City Council Representative Nick Tygesen, Lori Myler

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Pro Tempore Scott Bracken called the meeting to order at 7:02 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Peterson.

2.0 CITIZEN COMMENTS

2.1 Lori Myler addressed her concern with the smoke from H&D BBQ. She stated that she has dealt with the smoke for more than 100 days and the smoker is nine feet from her property line. She asked the Council to consider it their responsibility to rectify the situation. She believes the city erred in allowing such a business without more restrictions than were imposed. Ms. Myler reported that there are nine homes nearby that are adversely affected by the smoke. She urged the Council to shut the business down.

2.2 Councilman Shelton stated that the matter is being taken seriously and has been on the agenda and addressed at every work session for the past several months.

2.3 City Manager John Park reported that the Health Department has been involved and did not consider the situation to be a health hazard. He agreed, however, that the smoke is a public nuisance. He explained that as the law is written, restaurants are exempt from any regulation dealing with smoke. The only time they can address smoke is when it becomes a nuisance. The Ordinance requires staff to meet with the person believed to be causing the nuisance and ask them to mitigate the problem. If they do not comply within a reasonable period of time, civil or criminal action can be taken. It is expected that a meeting will take place within the next several days with the business owner. A request for the mitigation of the smoke issue will be made at that time.

3.0 PROCLAMATION

3.1 a. Participation in “Idle Free Awareness Month”.

3.2 Mayor Pro Tempore Bracken read a proclamation declaring September 2015 “Idle Free Awareness Month” by the Utah Clean Cities Coalition. It promotes clean air initiatives and

voluntary efforts to improve the overall health and well-being of the citizens of Cottonwood Heights.

4.0 **REPORTS**

Standing Monthly/Quarterly Reports.

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

- 4.1.1 Finance Director Dean Lundell presented the August 2015 Financial Report. He reported that the Fee in Lieu of property and vehicle taxes reflects a higher amount than from January through June of the prior fiscal year. He noted that the liability insurance has been paid in full for the year which makes that category seem already spent – which it is.

Mr. Lundell explained that a budget amendment will be presented in the near future to address carry over money from the previous year and revenue that has come in that will be added to the budget. An additional budget amendment is also needed under Administrative Services. Projects include the New Municipal Building and recommended an adjustment be made to that budget to carry forward any unspent money from last year to the current year's projects. He reported that the remaining budget totals \$153,000 and should be accurate. Deposits from the new Municipal Energy Sales and Use Tax will not show up until November. Mr. Lundell reported that the previous year's property tax totaled \$6.27 million and sales taxes totaled \$5.319 million.

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

- 4.2.1 Assistant Fire Chief Mike Watson presented the August 2015 Unified Fire Report. Chief Watson reported that Station 110 and Station 116 had 45 fire calls and 165 medical calls. The top three medical calls by type included falls, sick person, and traffic accidents.

Station 110 had 46 Advanced Life Support (ALS) calls, 29 of which were transports; and 56 Basic Life Support (BLS) calls, 16 of which were transports. Station 116 had 32 ALS calls with 15 transports; and 31 BLS calls with 12 transports.

The safety message included maintaining smoke alarms and residents were encouraged to audit their smoke alarms to ensure that they have enough and that they are located in the proper place. Chief Watson recommended families discuss fire safety, fire prevention, and ensure that each home has a fire extinguisher. The Customer Service Report included hydrant inspections, battalion wide training, and station tours. Station 116 had LMS training and Station 116 toured the Water District Facility.

5.0 **ACTION ITEMS**

5.1 **Consideration of Resolution No. 2015-51 Approving an Interlocal Agreement for the Purpose of Facilitating the Establishment of an Officer Involved Critical Incident Task Force Between Various Jurisdictions in Salt Lake County.**

- 5.1.1 Mayor Pro Tempore Bracken said the proposed Resolution will approve an interlocal agreement between various jurisdictions in Salt Lake County facilitating the establishment of an officer involved critical incident task force.

Police Chief, Robby Russo, explained that police officer involved shootings will be investigated by an outside agency along with any other critical incidents. Chiefs and respective attorneys throughout the valley gathered and created a document that satisfies the legislative intent. Approval of the proposed resolution will allow them to participate in a task force with various disciplines. He expressed his support for the resolution and asked the City Council to adopt it.

5.1.2 **MOTION:** Councilman Shelton moved to approve Resolution No. 2015-51. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Pro Tempore Bracken -Aye. The motion passed unanimously.

5.2 **Consideration of Resolution No. 2015-56 Approving Entry into an Interlocal Cooperative, Multi-Jurisdictional Mutual Aid Agreement for Police Services.**

5.2.1 Mayor Pro Tempore Bracken stated that the proposed Resolution will approve an interlocal agreement for a multi-jurisdictional mutual aid agreement for police services.

Chief Russo explained that the agreement specifies that if there is a need for resources from allied agencies on a major event, those services are provided at no cost.

5.2.2 **MOTION:** Councilman Peterson moved to approve Resolution No. 2015-56. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Pro Tempore Bracken -Aye. The motion passed unanimously.

5.3 **Consideration of Resolution No. 2015-60 Awarding a Badge and Selling a Sidearm for Nominal Value to CHPD Officers Bryan Betenson and James Woods.**

5.3.1 Mayor Pro Tempore Bracken explained that the proposed Resolution will award a badge and allow selling sidearm to CHPD officers and has historically been approved.

Chief Russo stated that officers have traditionally been awarded their badge when they retire and are in good standing with the City. Officer James Woods is retiring after serving 20 years, eight of which were spent in Cottonwood Heights.

5.3.2 **MOTION:** Councilman Tyler moved to approve Resolution No. 2015-60 and thanked Officers Betenson and Woods for their contributions to the City. The motion was seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Pro Tempore Bracken -Aye. The motion passed unanimously.

5.4 **Consideration of Resolution No. 2015-62 Approving an Independent Contractor Agreement with Allen Roberts for Historian Services.**

5.4.1 Mayor Pro Tempore Bracken stated that the proposed Resolution would approve an agreement with Allen Roberts for Historian services.

Councilman Peterson stated that the Historic Committee has advocated that they write and document the history of the City prior to 1953. Mr. Roberts was selected to provide that service.

5.4.2 **MOTION:** Councilman Peterson moved to approve Resolution No. 2015-62. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman

Peterson-Aye, Councilman Tyler-Aye, Mayor Pro Tempore Bracken -Aye. The motion passed unanimously.

6.0 **CONSENT CALENDAR**

6.1 **Approval of Minutes for July 14 and July 28, 2015.**

6.2 The minutes stood approved.

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

7.1 **MOTION:** Councilman Tyler moved to adjourn the business meeting and reconvene the Work Meeting. The motion passed unanimously on a voice vote.

7.2 The Business Meeting adjourned at 7:47 p.m.