

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD
TUESDAY, MAY 26, 2015, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY
COUNCIL CHAMBERS

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

Staff Present: City Manager John Park, Public Works Director Mike Allen, 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 Steve Fawcett, City Engineer Brad Gilson, Mike Halligen

Excused: Deputy City Manager Linda Dunlavy

Others Present: Youth City Council Representative Bryce Bollinger, Nick Tygeson, Derek Heiner, Konner Kristensen, Truman Madsen, Alan Kristensen, Joyce Felt, Ted Boyer, Eric Felt, Margarita Satini, Jeff Cardon, Debbie MacIntosh

1.0 **WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor 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 Mayor, Bryce Bollinger, who was elected to serve through the next school year. Several Members of the Youth City Council were present. It was reported that the swearing in of the Executive Council would take place later in the meeting.

2.0 **INTRODUCTION**

2.1 **Salt Lake City's Department of Public Utilities – Ted Boyer, Public Utilities Advisory Committee Member**

2.2 Councilman Tyler stated that Ted Boyer was recently appointed to the Salt Lake City Department of Public Utilities' Public Utilities Advisory Committee. He explained that it is important for Cottonwood Heights to have a representative on the committee, because this group oversees water, which is a crucial utility. Councilman Tyler introduced Mr. Boyer and stated that he has been a practicing attorney for most of his career. Most recently, he served on the Public Service Commission. He served 10 years as a member and was Chairman for five years. Councilman Tyler explained that the Public Service Commission regulates rates on utilities for the entire state. Mr. Boyer has a vast background in utilities and utilities management. Councilman Tyler is confident that the City will be very well represented. Appreciation was expressed to Mr. Boyer and his willingness to serve.

2.3 Mr. Boyer stated that he has lived in Cottonwood Heights since 1975. He practiced law for more than 20 years after which he decided to go into public service. He ran the Real Estate Division for the State of Utah for five years and then served as the Executive Director of the Department of Commerce. A few years later, Governor Leavitt appointed him to the Public Service Commission. Mr. Boyer described the duties of the committee.

2.4 Mayor Cullimore expressed appreciation to Mr. Boyer for his willingness to serve.

3.0 **ADMINISTRATION OF OATH OF OFFICE TO NEW POLICE OFFICER**

3.1 Chief Russo introduced new Police Officer, Jeff Gainey. He thanked the Officer Gainey's family for their support. The Oath of Office was administered.

3.2 Officer Gainey stated that he was born in Washington and has been in Utah for the past 35 years. He is married and the father of three children. He began his career with Adult Probation Parole eight years ago and eventually became an agent. He assigned to the City of Cottonwood Heights as a liaison and has enjoyed working here. That made the transition to CHPD even easier.

4.0 **ADMINISTRATION OF OATH OF OFFICE TO YOUTH CITY COUNCIL OFFICERS FOR THE 2015-2016 SCHOOL YEAR**

4.1 Councilman Bracken introduced the Youth City Council Executive Officers and their deputies. Service Officer, Clark Felt, coordinates service activities conducted by the City, Erika Cunningham serves as the Social Officer and is assisted by her deputy Gabi Fritsch. Scotty Woolston serves as the Educational Officer and is assisted by his deputy Derek Heiner. Nick Tygesen serves as the Public Relations Officer and Annie Yun serves as the Public Planning Commission Representative. Truman Madsen serves as Treasurer and Taemour Djahanbani and Avery Gunnell serve as Records.

4.2 The Oath of Office was administered to the Youth City Council Members.

4.3 Mayor Cullimore thanked the Youth City Council Officer's for their willingness to serve and expressed appreciation to Youth City Council Advisors, Scott and Ann Bracken.

5.0 **CITIZEN COMMENTS**

5.1 Clark Felt expressed excitement about the building of the new city hall offices being built next to Brighton High School and asked about the cost of the building.

5.2 Mayor Cullimore stated that costs have yet to be determined but figures will be available next week. He hopes the estimate will not exceed the budgeted \$16 million.

5.3 Margarita Satini introduced herself and stated that she resides in Cottonwood Heights and has for the past five years. She reported that she is largely involved in the Native

Hawaiian Pacific Islander (NHPI) Community and performs a lot of non-profit community work. Ms. Satini stated that she serves as a Program Administrator for the Pacific Islander clubs and is the Co-Founder of the Pacific Islander Civic Engagement Group. She acts as a resource as that segment of the population grows and she recognizes that the NHPI community in Cottonwood Heights is very small. She reported that West Valley City has the largest Tongan population in the U.S. with Salt Lake City coming in second. She offered her help in the event that the City organizes a cultural awareness board or similar group.

5.4 Mayor Cullimore thanked Ms. Satini for being present and offering her services.

6.0 PUBLIC HEARINGS

6.1 **Public Hearing to Receive Input on (a) the Proposed Amended Budget for Cottonwood Heights for the Period 1 July 2014 through 30 June 2015; and (b) the Proposed Budget for Cottonwood Heights for the Period 1 July 2015 through 30 June 2016, which Includes the Possible Adoption of an Energy Use Tax**

6.1.1 Mayor Cullimore reported that in May of each year the City Council is required to hold a public hearing to receive input on the proposed amended budget for the current fiscal year and for the proposed budget for the next fiscal year. Each quarter amendments to the budget are proposed as adjustments are needed. An adjustment was proposed for the period ending June 30, 2015 as well as the proposed budget for the next fiscal year, which is July 1, 2015 through June 30, 2016. The budget is made available on the City's website.

6.1.2 Finance Director, Steve Fawcett, reviewed how the budget is developed. First, it is necessary to balance the budget utilizing new tax or revenue sources as a last resort. Mr. Fawcett reported that the budget is balanced with no increases in existing property tax rates and none are anticipated. However, the budget does propose that the Council implement an Energy Use Tax like all other cities in the state with populations over 15,000. This would be the first time since incorporation any new revenue source has been implemented. Second, staff must balance the budget and bridge the gap with reliance on fund balance, if necessary. Mr. Fawcett stated that they rely on the available fund balance that can be spent, which is above and beyond the 6% set aside for emergency use. Third, the budget is balanced to be fair to employees and allows them to have wages that keep up with inflation. Mr. Fawcett reported that the budget has an inflation adjustment of .08%, which is the CPI. Additionally, merit increases are given ranging from zero to 3.9%. Fourth, staff balances the budget with a health care coverage program that is fair to employees, is legally in concert with the Affordable Care Act, and maintains the same portion of premium sharing to the employee. Mr. Fawcett reported that the City is continuing with the same health care and dental coverage they have had in the past with an associated 5% increase in health care premium costs. The employees' share is 80 to 85 percent depending on the plan chosen.

- 6.1.3 Fifth, Mr. Fawcett reported that staff must balance the budget and maintain the policy level in the committed fund balance of 6%. He noted that the proposed budget accomplishes that. Seventh, staff balances the budget while maintaining the level of services the citizens and businesses expect and enjoy. Mr. Fawcett reported that there are no reductions in service level in the budget. They also did not propose any major increases in service level. Last, the budget must be balanced while enhancing the transparency of government that exists in Cottonwood Heights through public notifications and the sharing of information. Mr. Fawcett reported that this information has been posted on the City's website and articles appear in the newsletter periodically about the budget process. He feels the City is very transparent in providing budget information.
- 6.1.4 Mr. Fawcett reported that to date he has received no comments from the public on the proposed budget. The information is also submitted to the Utah Taxpayers' Association as requested. The budget amendment is made up primarily of two items. He explained that grants come in from various state and local agencies and by policy, those funds are not brought into the City and are not appropriated until they have been officially received. Minor inter-departmental adjustments were also made to help ensure that there won't be any issues through the end of the year.
- 6.1.5 Mayor Cullimore opened the public hearing.
- 6.1.6 Joyce Felt asked if there is a specific expenditure account for the maintenance of open space. If so, she asked if requests could be made to have trees planted at Crestwood Park. She commented that a few years ago a huge portion of the trees were destroyed in a fire. Ms. Felt stated that two of her sons would like to work on their Eagle projects and assist in the effort.
- 6.1.7 Councilman Peterson stated that he appreciates Ms. Felt's efforts and stated that Crestwood Park is a Salt Lake County park. Within the next 60 days they will be updating the County-wide Master Plan, which includes looking at that overall area. He suggested that Ms. Felt contact the Salt Lake County Parks Division.
- 6.1.8 Mayor Cullimore reiterated that the quarterly amendment brings in grant revenue the City received that cannot be budgeted until it is received. It is to be budgeted for expenditure during the quarter. The other major issue with next year's budget is that for the first time since the City's incorporation there will be a new revenue source in the form of an Energy Use Tax. The Mayor noted that the City does not levy any kind of telecommunications taxes like most other cities do. He indicated that next year's budget includes paying rent for our current facility as well as a payment on the New City Hall Building bond.
- 6.1.9 There were no further public comments. The public hearing was closed.

7.0 **REPORTS/PROCLAMATIONS/RECOGNITIONS**

Standing Monthly/Quarterly Reports

7.1 Monthly Financial Report

Finance Director, Steve Fawcett, presented the Financial Report for the month of April 2015, which completes 75% of the fiscal year. He indicated that property taxes, with the exception of prior collections that will trickle in, have been collected for the current period and the City is at 100 percent of anticipated revenue. Sales tax revenue remains at approximately the same percentage month over month but was down slightly from last year. He noted that year over year sales tax has come in as projected. The City is currently at 66% of collected revenue, collections will continue through September that will be included in this fiscal year.

Mr. Fawcett reported that a few remaining revenue items are still expected to come in. He noted the Fees in Lieu will be down slightly at 94%. The category he finds most troubling is the decrease in Innkeeper Tax but the hope is that it will finish the fiscal year stronger and bring us closer to budget. Business Licensing and Permits are on budget with 100% of the budget having been collected. The cost of roads is still down but is expected to be close to budget. The Court is also expected to be close to budget. With regard to expenditures, all departments are doing well. He expects overall revenue to be either right on budget or slightly under. It was noted that the City is on budget and by year end there should be a surplus of \$150,000 to \$300,000.

7.2 Unified Fire Report

Assistant Fire Chief, Mike Watson, presented the Unified Fire Report for the month of April. In terms of data collection, he stated that it will be the first week of June before VECC will be on board and providing data to the City. In the meantime, Chief Watson has had conversations with Captain Bolling who will be meeting the following morning with the Database Manager in an effort to determine why internal data is being pulled through two different conduits.

Chief Watson reported that in terms of call volume among all UFA stations Station 110 came in 3rd along with Station 126 with a total of 282 calls each. Station 116 came 18th with a total of 74 calls, which is typical. Station 110 had 155 total medical calls with 72 Advanced Life Support (ALS) calls resulting in 52 transports; and 83 Basic Life Support (BLS) calls resulting in 6 transports. Station 116 had 59 total medical calls with 28 Advanced Life Support (ALS) calls resulting in 16 transports; and 31 Basic Life Support (BLS) calls resulting in 1 transport.

Chief Watson thanked Councilmen Peterson and Councilman Bracken for attending Fire School 101. The customer service report included the heavy training load, station tours and a CPR class and battalion training, a refresher, extrication, search and rescue, rapid intervention, and rope rescue, all of which are specific to the heavy rescue discipline. The safety message pertained to safety with campfires, barbecues, and general fire safety. Chief Watson stated that with the wet weather there is concern with tall grasses that can

present a fire hazard later in the season. The biggest threat currently is dead wood in the forest due to beetle kill.

7.3 **2015 Shakeout Report**

Assistant Emergency Manager, Mike Halligan, gave a brief overview of the Cottonwood Shakeout 2015 event that took place in April and described it as a huge success. Goals were set to train volunteers to communicate from their neighborhoods back to the Emergency Operations Center (EOC) van and transmit data.

Carlos Cardon, member of the Cottonwood Heights Amateur Radio Club, reported that about 1 ½ years ago they formed a club in order to qualify for an FCC license to use the ham bands for emergency communication. He noted that they are not a club in the normal sense with their only purpose being to provide emergency communications for Cottonwood Heights. They also received a special radio call sign identified as W7 Radio Cottonwood Heights (W7RCH). They set up procedures for a major event, such as an earthquake. The other was a localized event, such as a water main break. The response to each type was very different. Prior to the Shakeout there was extensive planning. The scenario required that they set up a freestanding EOC. A server put together that now works from a van. The other important aspect was the GIS software. They made quantitative measurements and tried to improve on it. They were able to get the communications up and running within 15 minutes. Mr. Cardon reported that about 45% of the homes in the City are covered by a Block Captain and provided with data. 89% of the homes in the City were reported by the data gathered. Mr. Cardon stated that going forward they want to improve the coverage with Block Captains, integrate more with state, county, national systems, and for the systems to be more resilient.

Assistant Police Chief, Paul Brenneman, thanked Debbie MacIntosh and Carlos Cardon who he considers to be the driving force behind the effort. Chief Brenneman commented on the importance of emergency communications and recommended there be a secondary way to communicate. They also need to have people willing to participate.

Debbie MacIntosh stated that the organization has been amazing and volunteers have stepped forward with great enthusiasm. Their goal is to assign every precinct with a Leader, a Communications Leader and a team of Block Captains and CERT trained people so that in the event of an emergency they can be self-reliant. Meetings are conducted with precinct leaders quarterly where training is provided. Trainings provided by the City were described.

Mayor Cullimore observed that there are certain areas of the City that seem to be less organized than others. He asked what the Council can do to help with that.

Ms. MacIntosh recommended they reach out to the LDS Stake Presidents in the area. Some of them feel like their group is spread between two cities. They extended an invitation for them to receive training and recommended they be included on email lists so that the invitation is continually being extended. Ms. MacIntosh also suggested they

focus on who participated this year to encourage future participation. She also recommended the City empower individuals, families, and neighborhoods to stand on their own.

Mr. Halligan reported that there are dozens of City residents who volunteer to provide emergency management and planning for Cottonwood Heights, however, more volunteers are needed. He indicated that there has been a surge in requests for CERT trainings this year. A desire was expressed to work with the Youth City Council to get young people involved in emergency management.

8.0 ACTION ITEMS

8.1 Consideration of Resolution Number 2015-30 A Resolution Agreeing to Annex as Unincorporated Island

8.1.1 Mayor Cullimore explained that during the recent Legislative Session, SB 199 was passed, which specifies that residents of unincorporated islands in Salt Lake County will be given the opportunity to vote this year whether to be annexed into an adjoining city or remain in the unincorporated county. The Mayor explained that there has been a decade's long debate about wall-to-wall cities and what to do with areas that are not in a City. The County has progressively exited the municipal services business and this is a final step in that effort. The new bill forms a municipal services district that will continue to provide services such as public works and animal control be governed by those entities receiving services from the agency instead of being part of the County services. Those in designated townships will be asked to vote on whether to incorporate as a city or remain a municipal township. Cottonwood Heights is affected by this bill because there are two islands of unincorporated residents that share a border with the city, the largest being Willow Creek that includes approximately 750 homes.

8.1.2 SB 199 requires that the cities bordering the unincorporated island declare their eligibility for annexing the area. Staff met with representatives from Sandy City because they also border the area to determine who can best service the various parts of Willow Creek. A boundary line was established that seemed to make sense for both cities based on ease of service and proximity. Each city must declare themselves eligible to annex that part of the city. The law, however, requires that each city state that they will be eligible to annex the entire area. A resolution is proposed tonight declaring that Cottonwood Heights is an eligible city for all of Willow Creek. Sandy City will do the same. Both will be forward their resolutions on to the County Council along with a recommended map of how the area could be divided to facilitate ease of service and respect the wishes of those who have been attempting to annex into Cottonwood Heights for the last few years.

8.1.3 If the County Council adopts the recommended map, those who reside in the area designated for Cottonwood Heights, will go to the ballot on November 3 and vote on whether to annex into Cottonwood Heights or remain part of the unincorporated County. Any part of Willow Creek designated for Sandy will do the same. Mayor Cullimore stated that currently the majority of residences will come to Cottonwood Heights based

on the map drawn. The Country Club has declared that their preference is to go to Sandy. As a result, they will be drawn into the Sandy City boundary along with a small number of residences near Alta Canyon Drive. Mayor Cullimore reported that the proposed resolution deals with Willow Creek while the second resolution (2015-31) pertains to a different island of unincorporated residents on the west end of Creek Road. Cottonwood Heights will be the only City declaring eligibility to annex that area.

8.1.4 **MOTION:** Councilman Bracken moved to approve Resolution Number 2015-30. 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.

8.2 **Consideration of Resolution Number 2015-31 A Resolution Agreeing to Annex An Unincorporated Island**

8.2.1 Mayor Cullimore stated that the above resolution is the same as the previous one except that the unincorporated island is located at approximately 7450 South Creek Road.

8.2.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2015-31. Councilman Peterson 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.

8.3 **Consideration of Resolution Number 2015-32 Accepting Requests for Indemnification**

8.3.1 Mayor Cullimore reported that a lawsuit has been filed against the City and personally against himself and a police officer as well. The proposed resolution approves the request of the Mayor and Officer Wood to be indemnified against the effects of the lawsuit.

8.3.2 **MOTION:** Councilman Shelton moved to approve Resolution Number 2015-32. The motion was seconded by Councilman Bracken.

8.3.3 City Attorney, Shane Topham, explained that the Utah Governmental Immunity Act provides that the governmental entity can indemnify officers for actions taken in furtherance of the entity's interest. That is triggered by requests for indemnification that need to be filed within a certain time period. Those requests were received, which prompted the proposed resolution.

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

8.4 **Consideration of Resolution Number 2015-33 Consenting to Appointments to the Architectural Review Commission**

- 8.4.1 Mayor Cullimore stated that the above resolution consents to the reappointments of Jonathan Oldroyd, Scott Peters, and Scott Chapman to the Architectural Review Commission. The Architectural Review Commission is charged with reviewing the architecture of buildings that go into the Gateway Overlay Zones. There are specific requirements and assignments in that regard. Mayor Cullimore noted that all Members of the Commission are professionals in the field.
- 8.4.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2015-33 and expressed appreciation that all three men were willing to continue to serve. 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.
- 8.5 **Consideration of Resolution Number 2015-34 Approving an Agreement with Stephanie Dickey for Contracted Services**
- 8.5.1 Mayor Cullimore reported that Ms. Dickey is a former Public Relations Specialist with the City who continues to assist on an ad hoc basis.
- 8.5.2 **MOTION:** Councilman Peterson moved to approve Resolution Number 2015-34. 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.
- 8.6 **Consideration of Resolution Number 2015-35 Ratifying an Agreement with the Butler Middle School**
- 8.6.1 The above matter was postponed to a future meeting.
- 9.0 **CONSENT CALENDAR**
- 9.1 **Approval of Minutes for April 14, 2015**
- 9.2 The minutes stood approved.
- 10.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**
- 10.1 **MOTION:** Councilman Bracken moved to adjourn the business meeting and reconvene the Work Meeting. The motion passed unanimously on a voice vote. The business meeting adjourned at 8:31 p.m.

Minutes approved: 06/09/2015