MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, JUNE 27, 2017 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY
COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH

Members Present: Mayor Kelvyn Cullimore (participated via telephone), Mayor Pro Tem Scott
Bracken, Councilman Mike Peterson, Councilman Mike Shelton, Councilman
Tee Tyler

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

Excused: Public Relations Specialist Dan Metcalf

1.0 WELCOME

1.1 Mayor Pro Tem Scott Bracken called the meeting to order at 7:00 p.m. Mayor Kelvyn
Cullimore was present via electronic means (speakerphone).

1.2 The Pledge of Allegiance was led by Councilman Peterson.

2.0 PUBLIC COMMENT

2.1 There were no public comments.

3.0 PUBLIC HEARING

3.1 Public Hearing on the proposed Budget Amendment for 2016-2017 Fiscal Year.

3.1.1 Councilman Bracken reported that the above ordinance adopts an amended budget for the
2016-2017 fiscal year. He stated that the Code of Ordinances contains a Consolidated Fee
Schedule, which lists the fees charged by the City.

3.1.2 Finance Director, Dean Lundell, reviewed the proposed budget amendment and stated that
there are five items being amended: wages and allocations, the handling of paid time off
accrual, CDRA legal and finance expenses, insurance claims, and transferring additional funds
for capital projects to allow for a buffer to cover the expenditure of bond proceeds.

3.1.3 Mayor Pro Tem Bracken opened the public hearing. There were no comments. The public
hearing was closed.
4.0 STANDING MONTHLY REPORTS


4.1.1 Mr. Lundell presented the Financial Report for the month of May 2017 and stated that sales tax revenue through March 2017 was lower than the previous year and budget. Year to date, revenues are approximately $70,000 under budget. As of April 2017, Municipal Energy Taxes and expenditures were on track as anticipated.

4.2 Unified Fire Report – Assistant Chief Mike Watson.

4.2.1 Assistant Chief, Mike Watson, presented the Unified Fire Report for the month of May 2017 and stated that medical calls closed at 147. Station 110 closed at 118 calls compared to the average of 118.8. Medical calls closed at 96 compared to the average of 92. Station 116 closed at 62 compared to 71.4. Medical calls closed at 52 compared to the average of 52.5. Stations 108 and 116 had six calls in the canyon. All were in Station 108’s portion of the response area. Little Cottonwood Canyon received nine calls with Station 116 responding to one of the calls. Top May medical calls included psych and behavioral, traffic accidents, falls, and fainting episodes. Top fire calls included alarm calls, natural gas leaks, and house/high-rise or shed fires. Station 110 transported 28 of 39 Advanced Life Support (ALS) calls and 14 of the 57 Basic Life Support (BLS) calls. Station 116 transported 17 of 26 ALS calls and 12 of 25 BLS calls.

4.2.2 The safety message involved firework safety. Staff referred citizens to the City’s website for details. Mr. Watson reported that restrictions were set forth in the newsletter and on social media.

5.0 ACTION ITEMS

5.1 Consideration of Ordinance 271 Adopting an Amended Budget for the Period of 1 July 2016 through 30 June 2017.

5.1.1 Mayor Pro Tem Bracken reported that the above ordinance adopts an amended budget for the period of 1 July 2016 through 30 June 2017.

5.1.2 MOTION: Councilman Peterson moved to approve Ordinance 271. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye. The motion passed unanimously.

5.2 Consideration of Ordinance 272-A Approving 7941 South Wasatch Boulevard Rezone.

5.2.1 Mayor Pro Tem Bracken reported that the above ordinance approves the rezone of property at 7941 South Wasatch Boulevard.

5.2.2 Community Development Director, Brian Berndt, stated that the request involves the rezone of approximately 1.80 acres from the current zoning of R-1-8 to R-2-8. It was noted that the Planning Commission forwarded a positive recommendation.
5.2.3 Councilman Tyler reported that the subject property is near his home and is an issue that citizens are well aware of. He believed that generally, the Planning Commission is correct in recommending that it be rezoned. He believed one concern pertained to egress and ingress of whatever is be built there. As citizens, they would have liked to have seen the property attached to the road through the Honeycomb Hill Condominium HOA. He believed the zone change was compatible with what surrounds the property and noted that other twin homes already exist.

5.2.4 MOTION: Councilman Tyler moved to approve Ordinance 272-A. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye. The motion passed unanimously.

5.3 Consideration of Ordinance 272-D Denying 7941 South Wasatch Boulevard Rezone.

5.3.1 The previous approval deemed the above matter unnecessary.

5.4 Consideration of Ordinance 273-A Approving Milne Lane General Plan Amendment.

5.4.1 Mayor Pro Tem Bracken reported that the above ordinance is a two-part involving a General Plan Amendment to Milne Lane.

5.4.2 Mr. Berndt stated that the request is for the General Plan Amendment from Residential Rural Density to Residential Low Density to rezone the property from R-R-1-21 to R-1-15. He confirmed that the Planning Commission forwarded a negative recommendation on both proposals. It was noted that the property has some constraints with the creek.

5.4.3 Mayor Cullimore asked if the property is in a sensitive lands area that would impose restrictions. Mr. Berndt confirmed that there are sensitive lands located on the property to address the drainage and high water table and there could be significant restrictions. The surrounding properties are zoned RR-1-21.

5.4.4 Councilman Shelton commented on the recommendation made by the Planning Commission and stated that he always seeks to follow their recommendation, however, in this case, he disagreed and believes the project makes sense and fits the character of the neighborhood. The concern of the Milne Lane residents does not pertain to the density or zoning. If the residents have the right to call the road private, the developer will have to negotiate with them in good faith to obtain access. If it is not private and is accessible to the public, nothing can be done to prevent the public from using it as an access.

5.4.5 MOTION: Councilman Shelton moved to approve Ordinance 273-A. The motion was seconded by Mayor Pro Tem Bracken.

5.4.6 Mayor Pro Tem Bracken remarked that due to the character of the surrounding neighborhood, what is proposed does not detract from the character and would still be compatible with what they would like to see. Mayor Cullimore agreed with Councilman Shelton’s observations. He stated that he has great respect for the Planning Commission but would vote in the contrary.
He commented that he has a fundamental difference of opinion in the sense that there is the potential to achieve the desired density by leaving the zoning as-is. As a Council, it is their responsibility to find legitimate reasons to deny applications as opposed to making them prove that it is the best use of the land. In this instance, he did not see a compelling reason to oppose it.

5.4.7 Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Nay. The motion passed 4-to-1.

5.5 Consideration of Ordinance 273-D Denying Milne Lane General Plan Amendment.

5.5.1 As a result of the previous motion, the above matter was deemed unnecessary.

5.6 Consideration of Ordinance 274-A Approving Milne Lane Rezone.

5.6.1 Mayor Pro Tem Bracken reported that the above ordinance approves the Milne Lane Rezone.

5.6.2 MOTION: Councilman Peterson moved to approve Ordinance 274-A. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye and Mayor Pro Tem Bracken-Aye. The motion passed unanimously.

5.7 Consideration of Ordinance 274-D Denying Milne Lane Rezone.

5.7.1 As a result of the previous motion, the above matter was deemed unnecessary.

5.8 Consideration of Resolution 2017-43 Approving an Agreement with Allen Roberts with John Ewanowski d/b/a History Projects for Historic Resources Survey.

5.8.1 Mayor Pro Tem Bracken reported that the above resolution approves an agreement with Allen Roberts and John Ewanowski for a historic resources survey.

5.8.2 Councilman Peterson stated the agreement has been coordinated with the Cottonwood Heights Historic Committee and they received a grant from the State that pays 50% of the cost of an intensive survey as a follow-up to the survey conducted last year.

5.8.3 MOTION: Councilman Peterson moved to approve Resolution 2017-43. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye. The motion passed unanimously.

5.9 Consideration of Resolution 2017-44 Approving an Agreement with Storiagraph LLC for Historic Resources Survey.

5.9.1 Mayor Pro Tem Bracken reported that the above resolution approves an agreement with Storiagraph LLC. for a historic resources survey.
5.9.2 MOTION: Councilman Shelton moved to approve Resolution 2017-44. The motion was seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye. The motion passed unanimously.

5.10 Consideration of Resolution 2017-45 Awarding Retiring Police Officers Their Badges and Approving Their Purchase of Police Firearms.

5.10.1 Police Chief, Robby Russo, reported that Lt. Mark Askerlund, Sgt. Ken Eatchel, and Officer Sam Dawson are retiring from the City's Police Department. As is customary and as authorized by City Code, by this Resolution the Council will award the officers their badges and approve the purchase of their sidearm.

5.10.2 Mayor Cullimore stated this is a significant event as Sgt. Eatchel and Lt. Askerlund have been with the City from the beginning and have been major contributors. Detective Dawson has been an excellent detective and the loss of all three will be felt. The Mayor expressed his appreciation and looked forward to bringing additional talent into the force.

5.10.3 MOTION: Councilman Tyler moved to approve Resolution 2017-45. The motion was seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye and Mayor Pro Tem Bracken-Aye. The motion passed unanimously.

5.11 Consideration of Resolution 2017-46 Approving Entry into an Interlocal Agreement with Utah Division of Forestry, Fire and State Lands for Participation in the Wildland Fire Program.

5.11.1 Mayor Pro Tem Bracken reported that the above resolution will approve the City's entry into an Interlocal Cooperative Agreement with the Utah Division of Forestry, Fire, and State Lands where the City will participate in the Division's Wildland Fire Program.

5.11.2 MOTION: Councilman Shelton moved to approve Resolution 2017-46. The motion was seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye. The motion passed unanimously.

6.0 CONSENT CALENDAR

6.1 Approval of Minutes for the City Council Work Session of April 25, 2017 and May 2, 2017. Also, Approval of City Council Business Meeting minutes for May 23 and June 13, 2017.

6.2 MOTION: Councilman Peterson moved to approve the City Council Work Session of April 25, 2017 and May 2, 2017 and the Business Meeting minutes for May 23, 2017 and June 13, 2017. The motion was seconded by Councilman Tyler. Vote on motion: Councilman Shelton-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye, Mayor Pro Tem Bracken-Aye. The motion passed unanimously
7.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION

7.1 MOTION: Councilman Shelton moved to adjourn the Business Meeting. The motion passed unanimously.

7.2 The meeting adjourned at 7:47 p.m.
I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Council Business Meeting held Tuesday, June 27, 2017.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: August 22, 2017