



## COTTONWOOD HEIGHTS CITY COUNCIL AGENDA

Notice is hereby given that the Cottonwood Heights City Council will hold a Business Meeting beginning at **7:00 p.m. on Tuesday, August 13, 2013**, at Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 300, Cottonwood Heights, Utah.

- 7:00 p.m. 1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS**
- 2.0 CITIZEN COMMENTS**  
*(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)*
- 3.0 PUBLIC HEARING**  
**Public Hearing** to Receive Input on the proposed modifications to the compensation schedule for the elective and statutory officers of the city of Cottonwood Heights
- 4.0 REPORTS/PROCLAMATIONS/RECOGNITIONS**
- 4.1 Standing Monthly Reports**
- a. July Police Report – Sheila Jennings  
*(Review of the Police Department statistics for the month of July)*
  - b. Public Works Report – Public Works Director Mike Allen  
*(Presentation of the monthly public works report detailing the status of various public works and capital projects throughout the City)*
- 5.0 ACTION ITEMS**
- 5.1 Consideration of Resolution No. 2013-36** Consenting to Appointments to the Arts Council  
*(Shaun Davis and Lindy Davis will be appointed to the Cottonwood Heights Arts Council)*
  - 5.2 Consideration of Ordinance No. 208-A** Approving a Re-zone of Properties Located at 9200 South Wasatch Boulevard from R-1-15 to R-1-8 and Amending the Zoning Map  
*(The City will consider taking action to approve a re-zone of properties located at 9200 South Wasatch Blvd. from R-1-15 to R-1-8 and amend the zoning map consistent with the city's amended General Plan)*
  - 5.3 Consideration of Ordinance No. 208-D** Denying a Re-zone of Properties Located at 9200 South Wasatch Boulevard from R-1-15 to R-1-8 and Amending the Zoning Map  
*(The City will consider taking action to deny a re-zone of properties located at 9200 South Wasatch Blvd. from R-1-15 to R-1-8 and amend the zoning map consistent with the city's amended General Plan)*
  - 5.4 Consideration of Ordinance No. 209-A** Approving a Re-zone of Properties Located at 1979 La Cresta Drive and 6746 South Highland Drive from R-1-8 to RO and Amending the Zoning Map  
*(The City will consider taking action to approve a re-zone of properties located at 1979 La Cresta Drive and 6746 South Highland Drive from R-1-8 to RO and Amending the Zoning Map consistent with the city's amended General Plan)*

- 5.5 Consideration of **Ordinance No. 209-D** Denying a Re-zone of Properties Located at 1979 La Cresta Drive and 6746 South Highland Drive from R-1-8 to RO and Amending the Zoning Map  
*(The City will consider taking action to deny a re-zone of properties located at 6746 South Highland Drive from R-1-8 to RO and amend the zoning map consistent with the city's amended General Plan)*
- 5.6 Consideration of **Ordinance No. 210** Establishing an Amended Compensation Schedule for Elective and Statutory Officers  
*(As required by state law, this Resolution amends the compensation schedule for elective and statutory officers)*
- 6.0 **ADJOURN BUSINESS MEETING AND RECONVENE  
WORK SESSION IN ROOM 250**

PUBLIC COMMENT PROCEDURE

At each City Council Business Meeting any person wishing to comment on any item not otherwise on the agenda for public comment may address the City Council during the Public Comment period. Any person wishing to comment during the citizen comment period shall request recognition by the Mayor and upon recognition, approach the microphone and state their name and address the body. Any person wishing to comment shall limit their comments to no more than three (3) minutes, unless additional time is authorized by the Mayor. Citizen groups will be asked to appoint a spokesperson, who shall limit their comments to no more than five (5) minutes. All comments shall be directed to the Mayor and City Council. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate or dialogue with the Mayor, City Council or City Staff during the meeting.

The Council may choose to limit the amount of time allotted to public comment on a specific issue. In such cases, special procedures for determining who will be allowed to speak and the order of such speakers will be determined by the Council.

*On Monday, August 12, 2013, at 5:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. The Agenda was also posted on the City's website at [www.ch.utah.gov](http://www.ch.utah.gov) and the State Public Meeting Notice website at <http://pmm.utah.gov>*

DATED THIS 12<sup>th</sup> DAY OF JULY 2013

Kory Solorio, City Recorder

*Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Councilmember will be on speakerphone. The speakerphone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.*

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify Kory Solorio, City Recorder, at (801) 944-7020 at least 24 hours prior to the meeting. TDD number is (801)270-2425 or call Relay Utah at #711. If you would like to submit written comments on any agenda item they should be received by the City Recorder no later than Tuesday at noon. Comments can be emailed to [ksolorio@ch.utah.gov](mailto:ksolorio@ch.utah.gov)*



## NOTICE OF COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION AGENDA

Notice is hereby given that the Cottonwood Heights City Council will hold a Work Session at **6:00 p.m. on Tuesday, August 13, 2013**, in the Cottonwood Heights City Council Conference Room located at 1265 East Fort Union Blvd., Suite 250, Cottonwood Heights, Utah

- 6:00 p.m.**
1. **Canyons School District Board Update – Kim Horiuchi (15:00)**  
*(Kin Horiuchi, Canyons School District Board Member, will update the Council on current activities at the Canyons School District)*
  2. **Review of Business Meeting Agenda (10:00)**
  3. **Public Relations Report (10:00)**
    - a. Media Coverage  
*(Public Relations Specialist, Stephanie Archibald, will provide a report on media coverage of city events)*
    - b. Valley Journal  
*(A review of the upcoming articles for future editions)*
  4. **Public Safety Report (20:00)**
    - a. Unified Fire Authority  
*(Report from Assistant Chief Mike Watson on events of the week)*
    - b. Police Department
      1. Automated External Defibrillator Device Grants  
*(Chief Russo will discuss the availability of grants for AED devices with the Council)*
  5. **City Manager/Deputy City Manager Report (15:00)**
    - a. Emergency Planning  
*(Deputy City Manager Linda Dunlavy will report on the monthly coordination meeting of the City's Emergency Preparedness Committee)*
    - b. SL County Hearing on Tavaci Re-zoning Request  
*(In the absence of Planning Director, Brian Berndt, City Manager, John Park, will lead a discussion about the outcome of the hearing and vote by SL County Council regarding the Tavaci project)*
  6. **Mayor/City Council Reports (30:00)**
    - a. Youth City Council – Councilman Bracken  
*(Councilman Bracken will report on the Youth City Council recent activities)*
    - b. Long Range Planning Meeting – Councilman Peterson  
*(Councilman Peterson will report on the monthly coalition for solutions to homeless housing)*
    - c. South Salt Lake Valley Mosquito Abatement Meeting – Councilman Tyler  
*(Councilman Tyler will report on the recent South Salt Lake Valley Mosquito Abatement meeting)*
    - d. Wasatch Summit Executive Committee Meeting – Mayor Cullimore  
*(Mayor Cullimore will report on the Wasatch Summit Executive Committee meeting)*
    - e. Luncheon for Canyons School District - Entire Council  
*(Council will discuss the luncheon held last week for Principals and Teachers of the Year for Canyons District schools in Cottonwood Heights)*

7. **Calendar of Events (10:00)**
  - a. Councilmember Schedules for the next week
  - b. New Butler Middle School Ribbon Cutting – August 14 @ 6:00 pm
  - c. Brighton Bengal Building Open House – August 23<sup>rd</sup> at 5:00 p.m.
  - d. Schedule of Summer Activities
    1. City Council/Staff/Family Picnic – August 28, Mountview Park @ 6:00 pm
  - e. City Offices Closed for Labor Day – September 2
  - f. General Election – November 5 (Ballots mailed October 7)
  
8. **Closed Meeting to Discuss Litigation, Property Acquisition and the Character and Professional Competence or Physical or Mental Health of an Individual**
  
9. **ADJOURN**

**ACTION ITEM 5.1**

**RESOLUTION NO. 2013-36**

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2013-36

### A RESOLUTION CONSENTING TO APPOINTMENTS TO THE COTTONWOOD HEIGHTS ARTS COUNCIL

**WHEREAS**, section 2.140.401 of the COTTONWOOD HEIGHTS CODE (the “Code”) establishes the “Cottonwood Heights Arts Council” (the “Arts Council”) for the city of Cottonwood Heights (the “City”); and

**WHEREAS**, Code §2.140.403(B) provides that the Arts Council shall consist of up to 13 members who are City residents, who may be from geographically diverse parts of the City, and who may be selected to assure adequate representation of each of the various artistic disciplines; and

**WHEREAS**, Code §2.140.104 provides that members of the Arts Council shall be appointed and removed by the city manager (the “Manager”) with advice and consent of the city council (the “Council”) to staggered three-year terms, so that the terms of office of approximately one-third of the members expire each year; and

**WHEREAS**, the Manager has appointed **Shaun Davis** and **Lindy Davis** to fill the unexpired terms of Brian Allen and Sheryl Ivey, who have resigned from the Council; and

**WHEREAS**, the Manager has requested that the Council give its advice and consent to such appointments; and

**WHEREAS**, the Council met on 13 August 2013 to, among other things, (a) consider the appointment of **Shaun Davis** and **Lindy Davis** to fill the vacancies on the Arts Council specified above; and (b) ratify and consent to the current composition of membership of the Arts Council; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to consent to the foregoing appointments to the Arts Council as proposed by the Manager;

**NOW THEREFORE, BE IT RESOLVED** by the Cottonwood Heights city council that the Council hereby (a) consents to the appointment of **Shaun Davis** and **Lindy Davis** to fill the vacancies on the Arts Council specified above; and (b) ratifies and gives advice and consent to the status of the following individuals as all of the current members of the Arts Council as of the date of this resolution for the terms of office set forth opposite each name:

<u>Name</u>	<u>Term Expires</u>
Rebecca Kitchen	1 February 2016
John Russell	1 February 2016
Maradon Nettleship	1 February 2016
Chante’ T. McCoy	1 February 2016
Shaun Davis	1 February 2014

Wendy S. Merrell 1 February 2014  
Christi Jones 1 February 2014  
Emmaree Josephson 1 February 2014

Becky Henriksen 1 February 2015  
Bob Ithurrealde 1 February 2015  
Lindy Davis 1 February 2015  
Karen B. McCoy 1 February 2015  
Suzanne Neddo 1 February 2015

This Resolution, assigned no. 2013-36, shall take effect immediately upon passage.

**PASSED AND APPROVED** effective 13 August 2013.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
Kelvyn H. Cullimore, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Kory Solorio, Recorder

**VOTING:**

Kelvyn H. Cullimore, Jr	Yea ___	Nay ___
Michael L. Shelton	Yea ___	Nay ___
J. Scott Bracken	Yea ___	Nay ___
Michael J. Peterson	Yea ___	Nay ___
Tee W. Tyler	Yea ___	Nay ___

**DEPOSITED** in the office of the City Recorder this 13<sup>th</sup> day of August 2013.

**RECORDED** this \_\_\_ day of August 2013.

602969.1

**ACTION ITEM 5.2**

**ORDINANCE NO. 208-A**

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 208-A

### AN ORDINANCE APPROVING THE RE-ZONE OF REAL PROPERTY LOCATED AT APPROXIMATELY 9200 SOUTH WASATCH BLVD. FROM R-1-15 (SINGLE FAMILY RESIDENTIAL) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) AND AMENDING THE ZONING MAP

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

**WHEREAS**, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

**WHEREAS**, on 19 June 2013, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application by Susan Despain-ROLA V LLC requesting the re-zone of three parcels of real property containing approximately 45 acres, located at approximately 9200 South Wasatch Blvd. in the City (the “*Property*”), from R-1-15 (Single Family Residential) to R-1-8 (Single Family Residential), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 7 August 2013, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation to the Council for final action; and

**WHEREAS**, on 13 August 2013, the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

**WHEREAS**, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in the

best interest of the health, safety and welfare of the citizens of the City to approve the re-zone of the Property as specified below;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Approval of Re-zone**. The Council hereby re-zones the Property from R-1-15 (Single Family Residential) to R-1-8 (Single Family Residential).

Section 2. **Adoption of Amended Zoning Map**. The Council hereby amends the City's zoning map to reflect the re-zone of the Property effected by this ordinance (this "*Ordinance*"), and hereby adopts the amended zoning map that is attached as an exhibit hereto as the City's current zoning map.

Section 3. **Action of Officers**. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability**. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer**. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date**. This Ordinance, assigned no. 208-A, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August 2013.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kory Solorio, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

**DEPOSITED** in the Recorder's office this 13<sup>th</sup> day of August 2013.

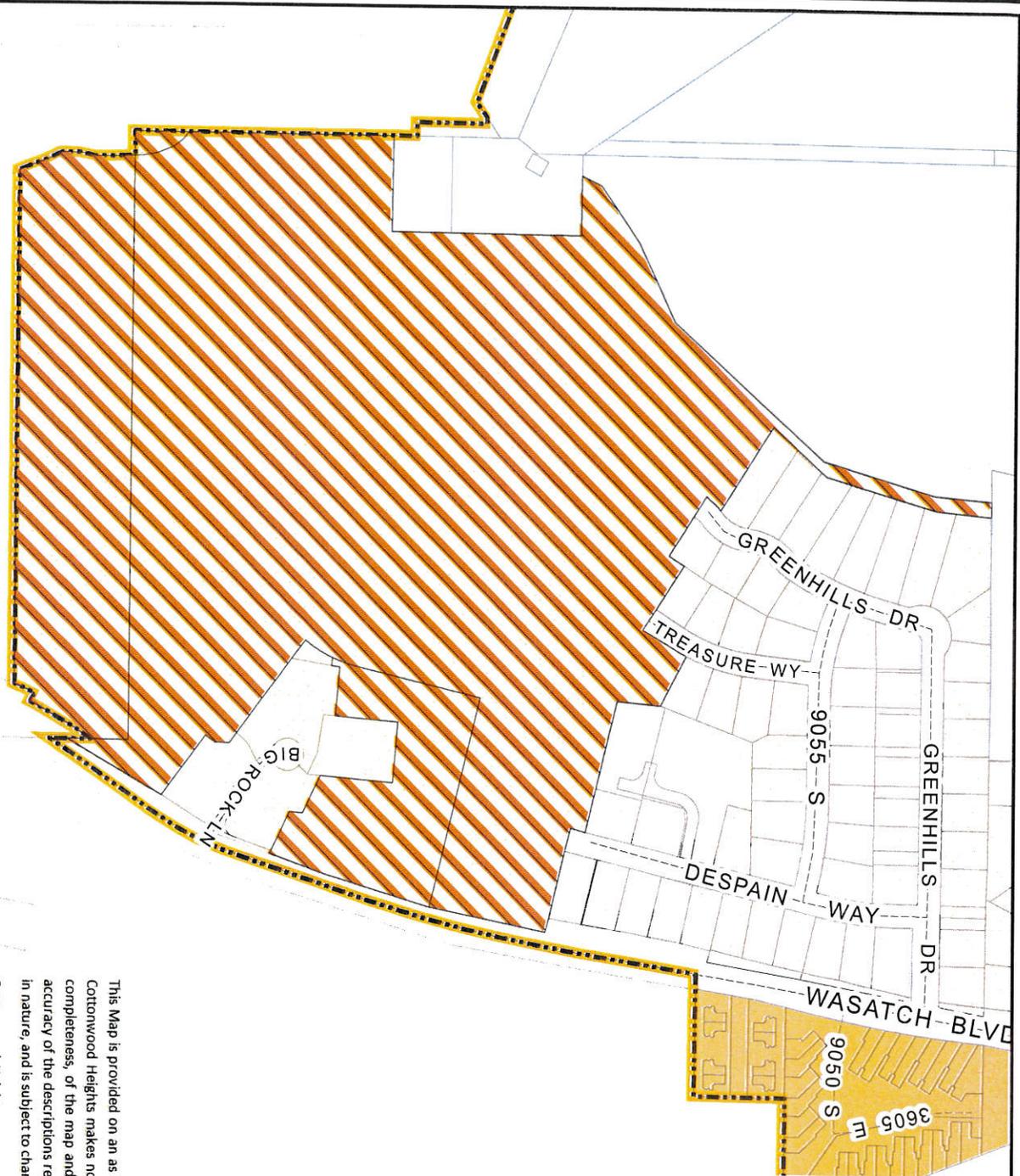
**POSTED** this \_\_\_ day of August 2013.

602977.1



**- Exhibit A -  
Proposed Zoning  
Change from  
R-1-15 to R-1-8**

Published:  
13 August 2013



**- Map Legend -**

	Proposed R-1-8
	Parcels
	City Boundary
<b>Zoning</b>	
	F-20 Foothill Recreation
	F-1-43 Foothill Residential
	F-1-21 Foothill Residential
	RR-1-43 Rural Residential
	RR-1-29 Rural Residential
	RR-1-21 Rural Residential
	R-1-15 Residential Single Family
	R-1-10 Residential Single Family
	R-1-8 Residential Single Family
	R-1-6 Residential Single Family
	R-2-8 Residential Multi-Family
	RM Residential Multi-Family
	RO Residential Office
	MU Mixed Use
	NC Neighborhood Commercial
	CR Regional Commercial
	PF Public Facility
	O-R-D Office, Research and Development

**DISCLAIMER**

This Map is provided on an as is basis. As to the use of this map, you are advised that Cottonwood Heights makes no warranties expressed or implied as to the quality, and completeness, of the map and data provided. Efforts have been made to ensure the accuracy of the descriptions represented on this map, but the information is summary in nature, and is subject to change without notice.

Cottonwood Heights reserves the right to make ongoing changes to this information when it deems appropriate without obligation to any person, organization or other entity. While Cottonwood Heights has reviewed the data and information represented on this map, in no event shall Cottonwood Heights be held liable for damages arising from use by others.

Path: Y:\Projects\Special Projects\Proposed Zoning Change\Map\0100 Wasatch Blvd E 1-15 to R-1-8.mxd

**ACTION ITEM 5.3**

**ORDINANCE NO. 208-D**

# COTTONWOOD HEIGHTS

## ORDINANCE No. 208-D

### AN ORDINANCE DENYING THE RE-ZONE OF REAL PROPERTY LOCATED AT APPROXIMATELY 9200 SOUTH WASATCH BLVD. FROM R-1-15 (SINGLE FAMILY RESIDENTIAL) TO R-1-8 (SINGLE FAMILY RESIDENTIAL)

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

**WHEREAS**, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

**WHEREAS**, on 19 June 2013, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application (the “*Application*”) by Susan Despain-ROLA V LLC requesting the re-zone of three parcels of real property containing approximately 45 acres, located at approximately 9200 South Wasatch Blvd. in the City (the “*Property*”), from R-1-15 (Single Family Residential) to R-1-8 (Single Family Residential), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 7 August 2013, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation to the Council for final action; and

**WHEREAS**, on 13 August 2013, the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

**WHEREAS**, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-

zone was discussed, and recommendations of City staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to deny such re-zone of the Property, notwithstanding the Planning Commission's recommendation of approval, based on the Council's finding, *inter alia*, that such re-zone would be incompatible with the surrounding residentially-zoned properties and neighborhood;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Denial of Re-zone***. The Council hereby denies the Application to re-zone the Property from R-1-15 (Single Family Residential) to R-1-8 (Single Family Residential).

Section 2. ***Action of Officers***. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. ***Severability***. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. ***Repealer***. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. ***Effective Date***. This Ordinance, assigned no. 208-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August 2013.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kory Solorio, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

**DEPOSITED** in the Recorder's office this 13<sup>th</sup> day of August 2013.

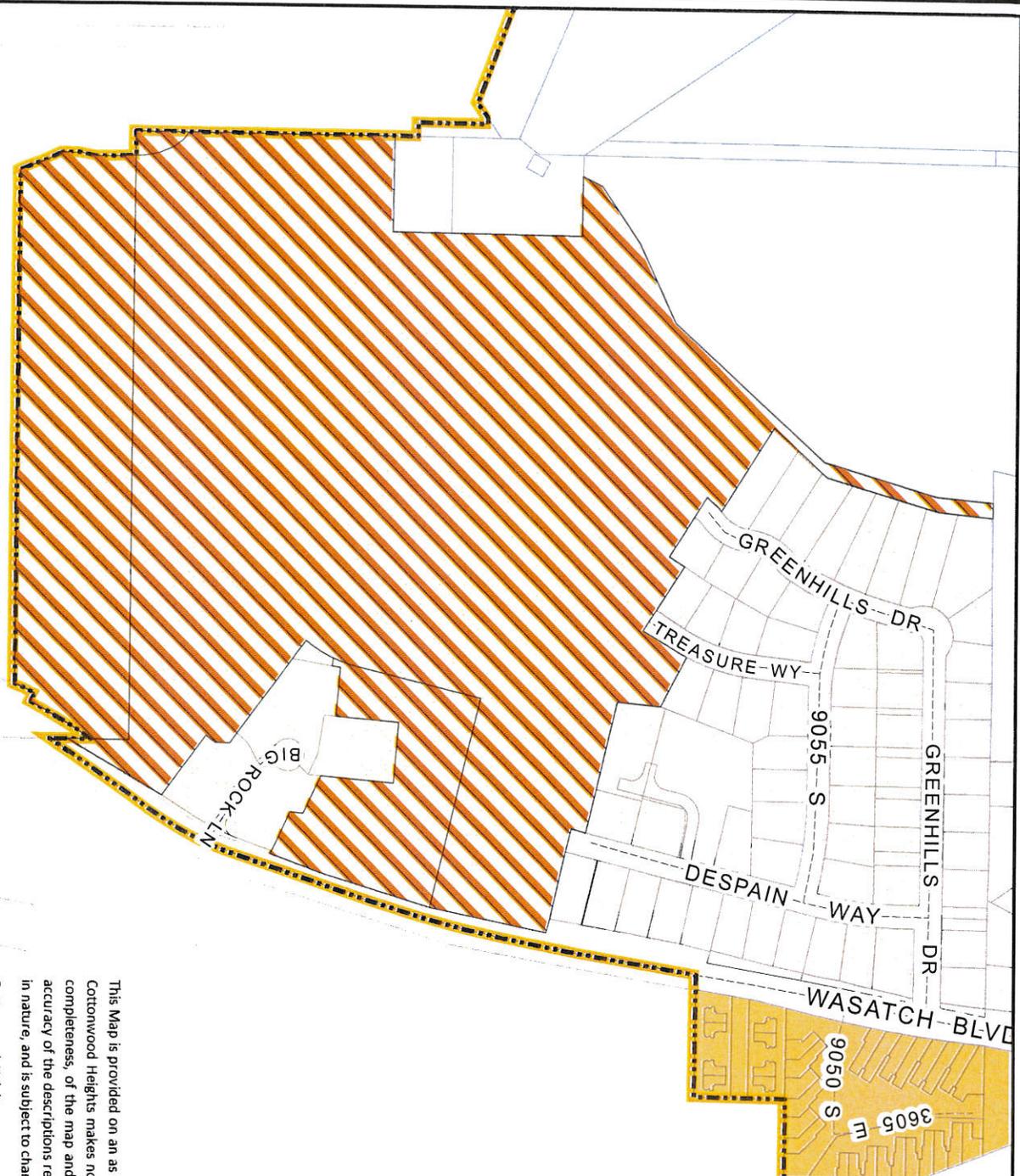
**POSTED** this \_\_\_ day of August 2013.

602978.1



**- Exhibit A -  
Proposed Zoning  
Change from  
R-1-15 to R-1-8**

Published:  
13 August 2013



**- Map Legend -**

Zoning	
Description	Color
Proposed R-1-8	Orange diagonal lines
Parcels	Thin black outline
City Boundary	Thick black outline
F-20 Foothill Recreation	Light green
F-1-43 Foothill Residential	Light green
F-1-21 Foothill Residential	Light green
RR-1-43 Rural Residential	Light green
RR-1-29 Rural Residential	Light green
RR-1-21 Rural Residential	Light green
R-1-15 Residential Single Family	Light yellow
R-1-10 Residential Single Family	Light yellow
R-1-8 Residential Single Family	Light yellow
R-1-6 Residential Single Family	Light yellow
R-2-8 Residential Multi-Family	Light yellow
RM Residential Multi-Family	Light yellow
RO Residential Office	Light yellow
MU Mixed Use	Light yellow
NC Neighborhood Commercial	Light yellow
CR Regional Commercial	Light yellow
PF Public Facility	Light yellow
O-R-D Office, Research and Development	Light yellow

**DISCLAIMER**

This Map is provided on an as is basis. As to the use of this map, you are advised that Cottonwood Heights makes no warranties expressed or implied as to the quality, and completeness, of the map and data provided. Efforts have been made to ensure the accuracy of the descriptions represented on this map, but the information is summary in nature, and is subject to change without notice.

Cottonwood Heights reserves the right to make ongoing changes to this information when it deems appropriate without obligation to any person, organization or other entity. While Cottonwood Heights has reviewed the data and information represented on this map, in no event shall Cottonwood Heights be held liable for damages arising from use by others.

Path: V:\Projects\SpecialProjects\Proposed Zoning Change\Map\1308 Wasatch Blvd R-1-15 to R-1-8.mxd

**ACTION ITEM 5.4**

**ORDINANCE NO. 209-A**

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 209-A

### AN ORDINANCE APPROVING THE RE-ZONE OF REAL PROPERTY LOCATED AT 6746 SOUTH HIGHLAND DRIVE AND 1979 LACRESTA DRIVE FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO RO (RESIDENTIAL OFFICE) AND AMENDING THE ZONING MAP

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

**WHEREAS**, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

**WHEREAS**, on 19 June 2013, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application by Jae Park–Park Architect LLC requesting the re-zone of two parcels of real property located at 6746 South Highland Drive and 1979 East LaCresta Drive in the City (the “*Property*”) from R-1-8 (Single Family Residential) to RO (Residential Office), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 7 August 2013, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation to the Council for final action; and

**WHEREAS**, on 13 August 2013, the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

**WHEREAS**, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in the

best interest of the health, safety and welfare of the citizens of the City to approve the re-zone of the Property as specified below;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Approval of Re-zone**. The Council hereby re-zones the Property from R-1-8 (Single Family Residential) to RO (Residential Office).

Section 2. **Adoption of Amended Zoning Map**. The Council hereby amends the City's zoning map to reflect the re-zone of the Property effected by this ordinance (this "*Ordinance*"), and hereby adopts the amended zoning map that is attached as an exhibit hereto as the City's current zoning map.

Section 3. **Action of Officers**. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability**. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer**. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date**. This Ordinance, assigned no. 209-A, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August 2013.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Linda W. Dunlavy, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

**DEPOSITED** in the Recorder's office this 13<sup>th</sup> day of August 2013.

**POSTED** this \_\_\_ day of August 2013.

603002.1



**ACTION ITEM 5.5**

**ORDINANCE NO. 209-D**

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 209-D

### AN ORDINANCE DENYING THE RE-ZONE OF REAL PROPERTY LOCATED AT 6746 SOUTH HIGHLAND DRIVE AND 1979 LACRESTA DRIVE FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO RO (RESIDENTIAL OFFICE)

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

**WHEREAS**, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

**WHEREAS**, on 19 June 2013, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application (the “*Application*”) by Jae Park–Park Architect LLC requesting the re-zone of two parcels of real property located at 6746 South Highland Drive and 1979 LaCresta Drive in the City (the “*Property*”) from R-1-8 (Single Family Residential) to RO (Residential Office), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 7 August 2013, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation to the Council for final action; and

**WHEREAS**, on 13 August 2013, the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

**WHEREAS**, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to deny such re-zone

of the Property, notwithstanding the Planning Commission's recommendation of approval, based on the Council's finding, *inter alia*, that such re-zone would be incompatible with the surrounding residentially-zoned properties and neighborhood;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Denial of Re-zone.** The Council hereby denies the Application to re-zone the Property from R-1-8 (Single Family Residential) to RO (Residential Office).

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 209-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August 2013.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kory Solorio, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

**DEPOSITED** in the Recorder's office this 13<sup>th</sup> day of August 2013.

**POSTED** this \_\_\_ day of August 2013.

603003.1



**ACTION ITEM 5.6**

**ORDINANCE NO. 210**

# COTTONWOOD HEIGHTS

## ORDINANCE No. 210

### AN ORDINANCE ESTABLISHING AN AMENDED COMPENSATION SCHEDULE FOR ELECTIVE AND STATUTORY OFFICERS

**WHEREAS**, on 30 July 2013, acting pursuant to its authority under UTAH CODE ANN. §10-3-818, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) met in a regular meeting to consider, among other things, amending the compensation schedule for certain of the City’s elective and statutory officers; and

**WHEREAS**, UTAH CODE ANN. §10-3-818(2) provides, among other things, that the Council set a time and place for a public hearing regarding the adoption or amendment of a compensation schedule for such elective and statutory officers; and

**WHEREAS**, the Council set 7:00 p.m. on 13 August 2013 at 1265 East Ft. Union Blvd., Suite 300, Cottonwood Heights, Utah as the time and place of a public hearing regarding the adoption of such amended compensation schedule; and

**WHEREAS**, UTAH CODE ANN. §10-3-818(3) provides, among other things, that at least seven days prior to the hearing, notice of the time, place and purpose of the meeting be published (a) in at least one issue of a newspaper of general circulation or posted in three public places in the City, and (b) on the Utah Public Notice Website created in UTAH CODE ANN. §63F-1-701; and

**WHEREAS**, notice of the public hearing was timely published in the *Deseret Morning News* and *Salt Lake Tribune* on the Utah Public Notice Website as required by statute; and

**WHEREAS**, a public hearing was held on 13 August 2013 at 1265 East Ft. Union Blvd., Suite 300, Cottonwood Heights, Utah, where all interested persons were given the opportunity to provide written or oral comment concerning the proposed amended compensation schedule; and

**WHEREAS**, on 13 August 2013, the Council met in regular session to consider, among other things, amending the compensation schedule as proposed; and

**WHEREAS**, after careful consideration of the comments, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to amend the compensation schedule for certain of its elective and statutory officers;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Adoption of Amended Compensation Schedule***. The Council hereby adopts the amended compensation schedule that is attached as an exhibit hereto as the compensation schedule applicable to the City’s elective and statutory officers specified therein from and after the date hereof.

Section 2. **Future Amendment.** The Council shall have, and hereby expressly reserves, the right to hereafter further amend the attached compensation schedule at any time or from time to time in compliance with all applicable legal requirements.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 210, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s Recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August 2013.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By \_\_\_\_\_  
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kory Solorio, Recorder**

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

**DEPOSITED** in the Recorder’s office this 13<sup>th</sup> day of August 2013.

**POSTED** this \_\_\_ day of August 2013.

# COTTONWOOD HEIGHTS

## AMENDED COMPENSATION SCHEDULE FOR ELECTIVE AND STATUTORY OFFICERS (JULY 2013)

The elective and statutory officers of Cottonwood Heights shall be compensated as follows (additions to the compensation schedule approved on 22 June 2010 pursuant to Ordinance No. 156 are shown in ***bolded, underlined italics***; items omitted from such approved schedule are shown ~~struck through~~):

### **Mayor and City Council**

- (a) The annual salary of the mayor shall be \$18,000.
- (b) The annual salary of each city council member shall be \$12,000.
- (c) The mayor and members of the city council may elect to use their salary to participate in benefits offered by the city such as medical, dental and group life insurance and “Section 125 Plan” subject to the rules and regulations thereof. Non-contributory retirement benefits also shall be provided to the mayor and members of the city council.
- (d) The mayor and members of the city council also shall receive reimbursement for all reasonable expenses related to performance of their duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to §162 of the Internal Revenue Code of 1986, as amended.
- (e) Effective July 1<sup>st</sup> of each year, the annual salaries of the mayor and members of the city council shall be automatically granted a cost of living adjustment (a “COLA”) by multiplying each such officer’s annual salary specified above by a fraction, the numerator of which is the Consumer Price Index (defined below) for the December 31<sup>st</sup> immediately preceding the July 1<sup>st</sup> effective date of such adjustment and the denominator of which is the Consumer Price Index for December 2005. If, for example, (a) an annual salary specified above is \$12,000, and (b) the Consumer Price Index for December 2005 is 100, and (c) the Consumer Price Index for the month of December 2006 is 103, then the COLA-adjusted annual salary for the period of 1 July 2006 through 30 June 2007 would be  $\$12,000 \times 103/100 = \$12,360$ . If the Consumer Price Index for the December 31<sup>st</sup> immediately preceding any July 1<sup>st</sup> adjustment date is not then available, then city may at its option elect to use the then most recent Consumer Price Index until the Consumer Price Index for such December 31<sup>st</sup> becomes available, at which time any under- or over-payment shall be reconciled.

As used herein, “*Consumer Price Index*” shall mean the “Consumer Price Index - U.S. City Average for All Items for All Urban Consumers (1982-84 = 100)” as published by the United States Department of Labor, Bureau of Labor Statistics. Should the Bureau of Labor Statistics discontinue the publication of said index, or publish the same less frequently, or alter the same in some other

manner, then city shall adopt a substitute index or substitute procedure which reasonably reflects and monitors consumer prices. Further, if the base year “1982-1984 = 100” or other base year used in computing the Consumer Price Index is changed, the figures used in computing the COLA shall be changed accordingly so that all increases in the Consumer Price Index are taken into account in computing the COLA notwithstanding any such change in the base year.

**Manager**

(a) The office of city manager shall be a full-time position. The annual salary of the manager shall be ~~\$107,500 - \$117,500~~ **\$121,000 - \$132,000**. The manager also shall be entitled to such discretionary, incentive bonuses as the city council may direct from time to time. As a salaried employee, the manager shall not be entitled to overtime pay.

(b) Benefits shall be provided to the manager for non-contributory retirement; and medical, dental, disability, group life and any other insurance coverage; and any other customary benefits, in the same manner, if any, provided to full-time city employees. If the manager declines, at the manager’s option, health and dental insurance coverage at any time or from time to time, then city shall contribute to the manager’s retirement account the equivalent of an additional \$1,000 per month (prorated for partial months) for each month that the manager declines health and dental insurance coverage and city thereby saves the premium cost of such insurance. Such retirement contribution shall be in addition to other retirement contributions made by city on the manager’s behalf.

(c) Because the manager is required to be on-call 24 hours per day, seven days a week, the manager shall be provided with (1) a cell phone allowance to compensate the manager for use of the manager’s personal cell phone for city business, or (b) the use of a city-owned cell phone. If the manager uses the manager’s own cell phone, then city shall provide the manager with a cell phone allowance of \$100 per month or such larger amount as the manager may document from time to time in a specific reimbursement request. If city elects, at its option, to provide the manager with the use of a city-owned cell phone, then Manager shall not be entitled to a cell phone allowance for use of the manager’s personal cell phone, and the manager’s use of such city-provided cell phone shall be in accordance with applicable policies adopted by the city council for city-owned cell phones, including, without limitation, a reasonable reimbursement back to city for the manager’s personal use of such cell phone.

(d) The manager also shall receive reimbursement for all reasonable expenses related to performance of his duties. Because the manager is required to be on-call 24 hours per day, seven days a week, the manager shall receive a \$486.00 per month vehicle allowance for use of the manager’s private automobile in lieu of any right to reimbursement for automobile mileage incurred in city-related travel.

(e) City shall pay for the manager’s travel and attendance at the ICCMA’s annual conference, the UCMA annual conference, and the Utah League of Cities and Towns’ annual conference in accordance with the travel policies approved from time to time by the city council.

City also shall pay for the manager's attendance at other seminars, conferences and committee meetings as are approved in city's annual budget or as are authorized separately from time to time by the city council.

### **Recorder**

(a) The office of recorder shall be a full-time position. The annual salary of the recorder shall be ~~\$70,000 - \$80,000~~ **\$44,369 - \$67,850**. The recorder also shall be entitled to such discretionary, incentive bonuses as the manager may direct from time to time from amounts budgeted by the city council for employee bonuses.

(b) Benefits shall be provided to the recorder for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The recorder shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **Director of Finance / Budget Officer**

(a) The office of director of finance / budget officer shall be a full-time position. The annual salary of the director of finance / budget officer shall be ~~\$80,000 - \$90,000~~ **\$67,072 - \$97,471**. The director of finance / budget officer also shall be entitled to such discretionary, incentive bonuses as the manager may direct from time to time from amounts budgeted by the city council for employee bonuses.

(b) Benefits shall be provided to the director of finance / budget officer for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The director of finance / budget officer shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **Treasurer**

(a) The office of Treasurer will be a full-time position. The annual salary of the treasurer shall be ~~\$70,000 - \$80,000~~ **\$52,446 - \$75,461**.

(b) Benefits shall be provided to the treasurer for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The treasurer shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **Chief of Police**

(a) The office of chief of police shall be a full-time position. The annual salary of the chief of police shall be ~~\$95,000 - \$105,000~~ **\$103,000 - \$113,300**. The chief of police also shall be entitled to such discretionary, incentive bonuses as the manager may direct from time to time from amounts budgeted by the city council for employee bonuses.

(b) Benefits shall be provided to the chief of police for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The chief of police shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **Attorney**

(a) The office of city attorney will be a part-time position performed on a contract basis. The city attorney shall be compensated pursuant to an **independent contractor** ~~annual fee~~ agreement approved by resolution of the city council.

(b) The city attorney shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

### **General**

The compensation paid hereunder shall ~~be commence~~ effective 1 July 2010 **2013**; shall be subject to any and all applicable payroll taxes and withholdings; and shall be paid in accordance with the city's payroll procedures and practices adopted from time to time.