MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, MAY 22, 2018 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 Mike Peterson, Council Member Mike Shelton, Council Member Scott
                   Bracken, Council Member Tali Bruce, Council Member Christine Mikell

Staff Present:      City Manager John Park, Assistant City Manager Bryce Haderlie, City
                   Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief
                   Mike Watson, Public Works Director Matt Shipp, Finance Director Van Tran,
                   Public Relations Specialist Dan Metcalf, Senior Planner Michael Johnson, City
                   Planner Andrew Hulka

1.0 WELCOME

1.1 Mayor Mike Peterson called the meeting to order at 7:00 p.m.

1.2 The Pledge of Allegiance was led by Council Member Mikell.

2.0 CITIZEN COMMENTS

2.1 Jin Fredericksen stated that she believed because the PDD Code has been modified within the
year and is now being modified for a developer, it sends the message that the City’s codes are
very fluid. She suggested citizens be given more rights regarding density.

2.2 Tim Hallbeck questioned the maximum number of allowed miniature goats and pigs. He also
equated higher density with higher crime.

2.3 Nancy Hardy asked if developers could somehow keep their development within the character
of Cottonwood Heights and used Creek Road as an example. If Accessory Dwelling Unit
Ordinance (ADU) goes forward, she believed it should start small.

2.4 Dan Hodgson had heard that there is consideration underway to do away with the Cottonwood
Heights Police Department and return to the Unified Police Department (UPD) and expressed
strong opposition to doing so. He encouraged the Council to find a way to keep the current
Police Department.

2.5 Lynne Kraus reminded the Council of the General Land Use Map Amendment she mentioned
previously regarding Fort Union between 2700 East and Pippen Drive being changed back to
low density residential. She remarked that tax increases are an easy out to handling budget
issues.

2.6 Eric Kraan thanked the Council for striping Honeywood Cove and completing the new arrows.

2.7 Ericka Waiss expressed opposition to the proposed miniature goat ordinance and considered
them to be a nuisance. She commented that they are classified as farm animals for a reason.
She noted that goats strip all vegetation and destroy properties.
3.0 PUBLIC COMMENT

3.1 Proposed Amendments to Title 12- Subdivisions.

3.1.1 City Planner, Mike Johnson, presented the staff report and stated that the amendments to Title 12 were made as a unanimous positive recommendation to the City Council. There are no proposed changes to the ordinance and involves a general process of dividing land. The proposed changes were merely clean up and include correcting grammar, consolidating definitions, and updating terminology. The requirements were codified to install bicycle lanes.

3.1.2 Mayor Peterson opened the public hearing. There were no public comments. The public hearing was closed.

3.2 Planned Resolution Encouraging Salt Lake County to Institute a .25% Local Option General Sales Tax Dedicated to Transportation as Authorized by Senate Bill 136.

3.2.1 City Manager, John Park, presented the staff report and stated that the above resolution dedicates .25% to transportation. They are discussing only the portion that implements a .25% local option general sales tax to fund transportation. Under the Bill, that is the amount authorized by the Legislature. It will raise approximately $58 million County-wide and after July 1, 2018, the disbursement will return to how it was voted on previously and will give 40% to cities. If the County does not take action prior to July 1, 2020, any individual city may impose the same tax and split it with UTA. They expect to receive $122,000 annually for much needed transportation maintenance after the upcoming fiscal year.

3.2.2 Eric Kraan expressed opposition to the resolution. Although he favored much of the language in it, he found it alarming that the State of Utah is shouldering the cost of economic development. He found it to be aggressive in nature and reminded the Council that the PDD is intended to promote affordability in the City. By increasing the cost of living, those they intend to accommodate will be displaced and left with a denser and still unaffordable community.

3.2.3 Lynne Krauss was on the fence with the resolution for the tax increase but not that the voters have opposed it. She urged the Council to listen to the citizens and stated that 3,274 voted in favor of the increase and 3,947 voting against.

3.2.4 Frank Overfelt asked for specifics regarding what the increase will be used for and what happens if the tax does not pass.

3.2.5 Mr. Park stated that the City receives transportation funds through Class C Road funds, which are the typical gas tax fund with limitations, and an alternate type of transportation.

3.2.6 Jared Thomas commented that this item will be adopted prior to July 2019 and that all funding will go to the County. Mayor Peterson confirmed that the County will receive a windfall for the rest of the year, which equates to approximately 25%.
3.3 Proposed “Idle Free” Ordinance.

3.3.1 Mr. Park presented the staff report and that stated the proposed Idle Free Ordinance will be included in Title 9 adding a new chapter entitled Idling Vehicles, which would be a one-page ordinance. Exceptions to idling included traffic conditions, refrigeration units, loading and unloading lifts, turbo charged heavy-duty vehicles, the health and safety of a driver and passengers including Police K-9 service animals, and operating window defrosters. The definitions were reviewed. Mr. Park remarked that it is not intended to be heavy handed and warnings will be given before a citation is issued.

3.3.2 Eric Kraan expressed gratitude to the Council for taking on this item and did not agree with the exceptions. He suggested removing window defrosting from the language.

3.3.3 Dee Rowland was thrilled that the item was on the agenda and encouraged the Council to vote in the affirmative.

3.3.4 Ken Garner indicated that he is an Engineer by profession and believed there are very few ordinances the government passes that are as easy to follow as this. There are 186 hazardous chemicals put into the air every day, especially in diesel fuel and gasoline, and he encouraged an agreed upon standard. As an electrical engineer, batteries and starters will not wear out from simply starting a car and he encouraged the Council’s support of the proposed ordinance.

3.3.5 Jenny Navarro stated was previously in attendance to encourage the City’s implementation of an Idle Free Ordinance. She expressed appreciation to the Council for their action and for those present in support of the item. She explained that new car technology has eliminated the need to warm up cars by idling and studies show that idling more than 30 seconds wastes gas and produces more toxins than restarting an engine. She believed that education is key and has not been effective up to this point. She noted that many are still idling their vehicles and the ordinance needs to be enforced. She encouraged the police officers help educate the community. As smoking in public is prohibited because it endangers others, individuals should not be allowed to let their cars engines idle. 31 states have new idling laws and eight cities have done the same in our area.

3.3.6 Diane Burke reported that she has been a nurse and educator for over 30 years and believed it is critical to reduce the exposure to pollutants. She expressed her support for the proposed ordinance.

3.3.7 Rebecca Allen was supportive of the Idle Free Ordinance and stated that there is a lot of information available on the internet. For every 10 minutes an engine is turned off, one pound of carbon dioxide is released. Restarting a car does not burn more fuel than leaving it idling and turning of engines off protects wear and tear which translates to a few dollars at the gas pump. She did not understand all of the technical terms, but is a mom who believes in raising healthy, educated, kind children and community outreach and change. She expressed her support of the Idle Free Ordinance.

3.3.8 Ashley Miller identified herself as the Policy Director for a local non-profit air quality advocacy group called Breathe Utah and is a member of the State Air Quality Advisory Board. She expressed support for the proposed Ordinance and urged the Council to strike the
exemption for window defrosting. She explained a lot of practical changes rely on behavior and the ordinances must be educational in nature. She recommended that during the cold winter months that drivers scrape instead of melt ice on windshields, which is much more efficient.

3.3.9 Diana Schaffer commented that rather than an ordinance, she would propose a proclamation allowing residents to remind each other not to idle vehicles because to protect their health. She suggested a downloadable and printable document be distributed and placed on windshields. She asked the City to find a way to discourage idling and encourage air quality improvement efforts that are more measurable. If the City moves forward with the proposed ordinance, she asked that officers not be allowed to approach residents in conjunction with enforcement.

3.3.10 Cindy Boyer supported the proposed ordinance and encouraged the City to continue moving forward. She agreed with removal of the defrosting exemption and use of ice scrapers.

3.3.11 John Kennington commented that this is principally an air quality issue and believed it is substantial along the Wasatch Front and is one of the negative aspects of living here. He expressed support for the ordinance and stated that idling is a common practice. He considered it to be a climate change and fuel efficiency issue.

3.3.12 Frank Overfelt stated that the City does not need an ordinance to replace common sense and is a big brother issue instead.

3.3.13 Ericka Waiss was not opposed to the proposed ordinance and agreed with Mr. Overfelt that it is a big brother issue. She believed it could potentially cause a lot of contention with citizens and the Police Department.

3.3.14 Jin Fredericksen expressed support for the proposed ordinance and believed everyone should do their part.

3.3.15 Carolyn Wold expressed support for the proposed ordinance and believed that enforcement is necessary.

4.0 PUBLIC HEARING


4.1.1 Mayor Peterson stated that the public hearing includes the proposed vacation of a certain public right-of-way along the east side of the City.

4.1.2 Mr. Park presented the staff report and stated that it also includes an Exchange Agreement on the property. He noted that the exchange is the reason the City wishes to vacate the property. A map was displayed and reviewed. The subject property is located at the corner of Mineshaft and Prospector and was inherited when the City was incorporated. In order for the City to vacate the property, a public hearing is required for the change to take place. The second parcel is owned by Mr. Franks and is located on the corner of Mineshaft and Big Cottonwood. Owning property at the bottom allows more options when considering future development in the City.
4.1.3 Mayor Peterson opened the public hearing.

4.1.4 Jin Frederickson asked why the City does not just sell him the lot and eliminate the vacation of the right-of-way.

4.1.5 Mayor Peterson remarked that if they have someone willing to give the City a parcel that is more than twice the value and is in an area that potentially has a much greater use, the vacation would be the more reasonable route.

4.1.6 Alan Waiss asked if the property located at the bottom of the canyon is sloped.

4.1.7 Carolyn Wold was in favor of the vacation as Mr. Frank maintains the property and the property is an extension of his yard.

4.1.8 There were no further comments. The public hearing was closed.

5.0 STANDING MONTHLY REPORTS

5.1 Unified Fire Report – Assistant Chief, Mike Watson.

5.1.1 Assistant Chief, Mike Watson, presented the monthly Unified Fire Report for March 2018 and stated that Station 110 finished in the 8th position. Station 116 finished in the 14th position. Station 110 closed with 107 total calls, 86 of which were medical and 21 were fire. Station 116 closed with 72 total calls, 55 of which were medical and 17 were fire. Top categories included falls and traffic accidents with alarms being the top fire call. Station 110 had 39 Advanced Life Support (ALS) calls, of which 19 resulted in transport and 47 Basic Life Support (BLS) calls, of which 24 resulted in transport. Station 116 closed with 24 total transports, 16 of which were ALS transports and eight BLS transports.

5.1.2 The customer service report included two station tours at Station 110. Station 116 participated in the Great Shakeout exercise. The safety message was a summer kickoff and an emphasis on campfire safety, barbecues, and general fire safety. In general, fire hazards begin in the southern part of the state and work northward. Usually, threats begin late August to September and sometimes even early November. The biggest threat with the terrain above Cottonwood Heights is that the fires are difficult to stop.

6.0 ACTION ITEMS


6.1.1 Mayor Peterson reported that the above ordinance approves the vacation of certain public rights-of-way.

6.1.2 MOTION: Council Member Shelton moved to approve Ordinance 295. Council Member Bruce seconded the motion. Vote on motion: Council Member Shelton–Aye, Council Member Bracken–Aye, Council Member Mikell–Aye, Council Member Bruce–Aye, Mayor Peterson–Aye. The motion passed unanimously.
6.2 **Consideration of Ordinance 296 Amending Table 1 of Section 19.51.060(A), Cottonwood Heights Code, Concerning Residential Density in Tier 2 Projects.**

6.2.1 Mayor Peterson reported the above ordinance amends Table 1 of Section 19.51.060(A) pertaining to residential density in Tier 2 Projects.

6.2.2 **MOTION:** Council Member Bracken moved to approve Ordinance 296. The motion was seconded by Council Member Shelton.

6.2.3 Council Member Bruce asked that neighbors be allowed to speak.

6.2.4 Mr. Johnson summarized this is a City-wide text amendment that has no impact on any property on the ground currently. The matter was not noticed to specific properties because it is not specific to a property. Notice was posted online and on the State website per State procedures. The Planning Commission hearing was held and has been through the Planning Commission process and not been recommended to the City Council. Should a developer come before the City wishing to utilize the PDD, the process will start all over again and proper notice will be given.

6.2.5 Council Member Mikell asked for clarification regarding the process of changing density from 25 units to 35 units. Mr. Johnson stated that when the PDD text was drafted, they selected the average density of the Tier 2 areas. The potential for Tier 2 includes major intersections throughout the City and Fort Union. Staff came up with 25 after a UTA publication of transit-oriented publication that stated that in suburban core developments, 25 units per acre is the minimum needed to support transit service. At that time, the mixed-use ordinance only allowed 16 residential units per acre. The mixed-use ordinance restricts building heights more than Tier 2 PDD areas so now they have a mixed-use that allows more density in smaller buildings. Given the legislative control and previous changes to the mixed-use ordinance elsewhere in the City, the recommendation was to support the applicant’s proposed text amendment. Legislative authority was reviewed.

6.2.6 City Attorney, Shane Topham, confirmed that the zone was created so that the City controls the end product. The Code is drafted and the process has been formulated so that the City ends up with an approved finished product that the Planning Commission and City Council are comfortable with as opposed to going through a Conditional Use process where there is uncertainty.

6.2.7 **Vote on Motion:** Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Bruce-Nay, Council Member Mikell-Nay, Mayor Peterson-Aye. The motion passed 3-to-2.

6.3 **Consideration of Ordinance 297 Amending Title 8, Animals, Concerning the Keeping of “Miniature” Goats and “Miniature” Pigs as Pets.**

6.3.1 Mayor Peterson reported that the above ordinance amends Title 8, Animals, and addresses the keeping of miniature goats and miniature pigs as pets.
6.3.2 Council Member Bruce felt that the proposed ordinance provides some benefit to those wishing to have these types of exotic pets, however, she suggested it be strictly enforced.

6.3.3 **MOTION:** Council Member Bracken moved to deny Ordinance 297. The motion died for lack of a second.

6.3.4 **MOTION:** Council Member Bruce moved to table Ordinance 297 for further discussion. The motion died for lack of a second.

6.4 **Consideration of Resolution 2018-30 Declaring Certain Property Surplus and Approving Entry into an Exchange Agreement Concerning Such Property.**

6.4.1 Mayor Peterson reported that the above resolution declares certain property surplus and approves entry into an Exchange Agreement concerning such property.

6.4.2 **MOTION:** Council Member Shelton moved to approve Resolution 2018-30. Council Member Bracken seconded the motion. Vote on motion: Council Member Shelton–Aye, Council Member Bracken–Aye, Council Member Mikell–Aye, Council Member Bruce–Aye, Mayor Peterson–Aye. The motion passed unanimously.

7.0 **CONSENT CALENDAR**

7.1 **Approval of the City Council Work Session Minutes of April 10, 17, 24 and May 1, 8, 15 of 2018.**

7.2 **MOTION:** Council Member Shelton moved to approve the minutes of City Council Work Session of April 10, 17, 24 and May 1, 8, 15 of 2018. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

8.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION.**

8.1 **MOTION:** Council Member Bracken moved to adjourn the Business Meeting. The motion was seconded by Council Member Shelton. The motion passed unanimously.

8.2 The meeting adjourned at 8:53 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, May 22, 2018.

______________________________
Teri Forbes

T Forbes Group
Minutes Secretary

Minutes approved: July 10, 2018