

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, JUNE 21, 2022, AT 4:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Weichers, Council Member Scott Bracken (joined electronically via Zoom), Council Member Shawn E. Newell, Council Member Ellen Birrell

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jorges, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

Excused: Council Member Douglas Petersen

1. WELCOME – Mayor Weichers.

Mayor Mike Weichers called the meeting to order at 4:00 p.m. and welcomed those present.

2. REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.

The Business Meeting Agenda was reviewed.

Mayor Weichers reported that the first Legislative action item involved consideration of Ordinance 384 adopting a final budget for the period of 1 July 2022 through 30 June 2023, making appropriations for the support of the City of Cottonwood Heights for such period, and determining the rate of tax and levying taxes upon all real and personal property within the City of Cottonwood Heights.

The next item was consideration of Resolution 2022-31. Records Culture and Human Resources Director, Paula Melgar reported that this item would approve two performance contracts for Butlerville Days.

The third agenda item was consideration of Resolution 2022-32. Public Works Director, Matt Shipp, reported that this item would approve and ratify a bid and award a construction contract for the Storm Drain Access Restoration Project. Staff was still in the process of identifying and surveying the manholes and would raise to grade approximately 250 to 300 buried manholes throughout the City. Once complete, Phase III will commence and include flushing the lines along with the use of cameras to further allow the department to identify the conditions of the pipes.

3. STAFF REPORTS.

a. Proposed Sustainability Resolution – Community and Economic Development Associate Planner/Sustainability Analyst Samantha DeSeelhorst.

Community and Economic Development Associate Planner/Sustainability, Analyst Samantha DeSeelhorst provided a history of the City’s sustainability background. The Renewable Energy Resolution was adopted by the City Council in 2019 paving the way for Cottonwood Heights to participate in the Community Renewable Energy Program between Rocky Mountain Power and 18 Utah communities.

The Sustainability Action Plan was outlined. Ms. DeSeelhorst reported that the plan breaks down sustainability goals and provides strategies and recommended policies in categories of development, energy use, landscaping, transportation, and waste management. Staff recommended working in conjunction with the City Council to comprise a list of priority sustainability projects from the local Sustainability Action Plan. She believed a project priority list would build on work and goals set in the plan and lead to actionable implementation. Staff would then review the timeline, policy, and budget details, and request Council approval and budget allocation to allow the projects to be put into place.

Council Member Birrell recommended the Council review each category individually due to the extensive content of the Plan. She supported favorable prioritization and implementation of a timeline. Topics for discussion were reviewed. She expressed concern about climate change, air quality, traffic, and road safety.

Ms. DeSeelhorst described completed projects and those that are in progress, which included the following:

- The Anti-idling Ordinance;
- Arbor Day tree planting events;
- The City Hall Solar Grant Application;
- The Community and Renewal Energy Program;
- Consideration of Tier III fuel for City vehicles;
- An Electric Vehicle Charger;
- A Tree and Park Strip Ordinance;
- Tri-City Emissions Baseline Project; and
- A Water Conservation Ordinance.

Mayor Weichers requested feedback regarding a Sustainability Committee.

Council Member Newell believed with the three cities working together there is adequate input. Specifics can be gleaned from the list provided.

City Manager, Tim Tingey, expressed concern with Staff capacity with the differing committee work and involvement with the Tri-city group. He wished to analyze involvement prior to considering another group.

b. Fort Union Rezone – Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, presented the Fort Union Rezone and stated that the applicant previously presented a slightly different application for consideration, which the City Council denied. The findings for denial included concerns with safety, traffic, quality of life, aesthetics, and setbacks to the adjacent homes. The applicant reapplied for a slightly different zoning designation on the property. He stated that no action was to be taken on the matter and is simply an introduction. The property is located at 3526 Fort Union Boulevard and the is for a request for a zone map amendment from R-1-8 to Residential Office (“RO”) with Zoning Conditions (“ZC”) on .85 acres of land. The applicant would like to construct twin homes as allowed in the Residential Zone with greater setbacks than allowed in the R-2-8 zone. He agreed to restrict allowed uses under the potential rezone to single-family or two-family residential uses with associated home occupations. If approved, no commercial use of the property would be allowed. Mr. Johnson noted that twin homes require a Conditional Use Permit. A conceptual property rendering was displayed.

Mr. Johnson reported that when reviewing applications Staff focuses on analytics and the General Plan with zoning conditions that further restrict uses that may otherwise be allowed. Staff recommended approval of the rezone to the Planning Commission who unanimously recommended approval to the City Council.

Mayor Weichers reported that residents are concerned with the current General Plan Update and questioned the R-1-8 designation.

Council Member Birrell stated that residents of District 4 have expressed opposition to the twin home concept and consider traffic to be a serious problem. She believed that approving the request is contrary to what the residents want in the area. Because the Traffic Study is incomplete and they are involved in the General Plan Update, she did not support approving the application.

Council Member Bracken was concerned about being involved in the General Plan Update and understood that the applicant was looking for a similar result with the greater setbacks. As currently zoned, massing is not as significant of an issue as the number of people.

Mayor Weichers confirmed that there will be a public hearing and discussion at an upcoming meeting.

c. **Proposed Budget for 2022-2023 Fiscal Year and Final Property Tax Rate Adoption – City Manager Tim Tingey and Administrative and Fiscal Services Director Scott Jurges.**

Administrative and Fiscal Services Director, Scott Jurges presented the proposed budget for the 2022-2023 Fiscal Year and adoption of the final property tax rate. He reported that the City has received \$7.2 million in sales tax throughout the end of April 2022 with a current year projection of \$8.5 million. Since the previous update, new growth and property taxes have been incorporated into the budget. New growth totaled \$31,379 with a tax rate of .001740% for 2021. The tax rate for the upcoming fiscal year will be reduced to .001442%. The Utah State Tax Commission growth rate was presented.

Mr. Jurges next presented changes to the General Fund. Estimated use totaled \$1.6 million with actual use totaling closer to \$1 million. The anticipated ending fund balance was \$6,858,000 or 26% of revenues for the budget year. The required State withholding of 5% in addition to the Cottonwood Heights withholding of 1% totaled \$1,557,000 with \$600,000 reserved for compensated absences. Mr. Jurges anticipated approximately \$600,000 of under expenditures for the year. Debt Service for the New Public Works Building was anticipated at \$500,000.

Mayor Weichers stated that the City has a positive tax base with a matching sales tax. He was pleased that there was to be no property tax increase.

4. **REVIEW OF CALENDARS AND UPCOMING EVENTS.**

- a. **Movie in the Park: *Ghostbusters. Afterlife* will be on June 24 at Mountview Park Starting at 9:00 p.m.**
- b. **Community Shred Event will be on June 28 at City Hall from 9:00 a.m. to 1:00 p.m.**
- c. **City Hall will be Closed in Observation of Independence Day on July 4.**
- d. **City Council Meetings will be on July 5 at City Hall Starting at 4:00 p.m.**
- e. **Planning Commission Meetings will be on July 6 at City Hall Starting at 5:00 p.m.**
- f. **City Council Meetings will be on July 19 at City Hall Starting at 4:00 p.m.**
- g. **City Hall will be Closed in Observation of Pioneer Day on July 25.**
- h. **Cottonwood Heights Butlerville Days – July 28-30, 2022 (Volunteers and Sponsors Needed. For more information visit Butlervilledays.com**
- i. **Movie in the Park: *Sing 2* will be on July 29 at Butler Park Starting at 9:00 p.m.**

5. **POSSIBLE CLOSED MEETING TO DISCUSS LITIGATION, PROPERTY ACQUISITION, AND/OR THE CHARACTER AND PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL.**

There was no Closed Meeting.

6. ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Birrell moved to ADJOURN. The motion was seconded by Council Member Newell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

The Work Session adjourned at 5:01 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY WORK SESSION HELD TUESDAY, JUNE 21, 2022, AT 5:15 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD

Members Present: Chairman Mike Weichers, Council Member Scott Bracken (joined electronically Zoom), Council Member Shawn E. Newell, Council Member Ellen Birrell

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jorges, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

Excused: Council Member Douglas Petersen

1.0 WELCOME – Chairman Mike Weichers.

Chairman Mike Weichers called the meeting to order at 5:15 p.m. and welcomed those present.

2.0 Canyon Center Presentation – CDRA CEO Tim Tingey and Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, provided an overview of the Canyon Center which was previously developed as a Community Development Area (“CDA”) Project in 2011. It is the only active project that utilizes tax increment financing in Cottonwood Heights. The property is an 11-acre mixed-use redevelopment project with a substantial portion of the public investment going toward the construction of a large public parking structure. He explained that much of the project is complete or under construction apart from an apartment building fronting Racquet Club Drive, a public park in the middle of the site, and an office building. As of 2021, tax increment payments have been triggered and the City has begun the 25-year collection of the tax increment financing revenues and distribution to each taxing entity based on those agreements. A rendering of the Master Site Plan was displayed.

Mr. Johnson reviewed the office building location at the south end of the parking garage. The current proposal is a modification to the entitled but unconstructed office building. This portion received conditional use entitlement in 2013 as part of Phase I along with the parking structure included in the City’s approvals. The building was presented and approved as 100% office use and professional office. The applicant has since submitted a proposed amendment to mix office use and for-purchase condominiums. The approval process was reviewed. Mr. Johnson emphasized that the request would require a public hearing before the Planning Commission and there would be a renegotiation and amendment of the Interlocal Agreements with all involved taxing entities. The proposal may also impact the revenues generated for each taxing entity based on the taxable value of 100% office use versus the mixed-use request.

City Manager, Tim Tingey reported that staff is seeking direction from the City Council and encouraged discussion.

Council Member Birrell asked if the City has imposed a timeline for CW Management for completion of the office area. City Attorney, Shane Topham believed there was a reference to the timeline in the Development Agreement.

Mayor Weichers reported that he reached out to impacted residents, especially those who reside along Racquet Club Drive, and received a unanimously positive response. The Canyon Center Homeowners Association submitted an email expressing full support for the request.

Chris McCandless, Owner of CW Management, presented the Canyon Center Project and stated that there are presently two retail facilities expected to be completed within the next four months. Changes to the Master Plan included refinements primarily to the site plan, which increased parking associated with the project at a cost of \$30,000 per stall bracket. He reviewed issues with filling office space largely due to the marketplace and COVID disruption. After discussing options with legal counsel, it was determined that two levels of condominiums would be the most favorable. He stated that an office building has a floor-to-ceiling height of 15 feet compared to a residential building with a floor-to-ceiling height of 12 feet. A rendering of the proposed building was displayed. He explained that residential parking is considerably lower than with office buildings, which require 1.25 parking stalls per unit. He felt that due to the quality of the proposed condominiums, two parking stalls per unit were recommended. A parking plan was reviewed.

Mr. McCandless felt that the mixed-use office residential was the most beneficial to the community. Financing will be available due to a recent real estate transaction that would allow CW Management to reduce the interest clock and provide additional financing flexibility to find funding. He confirmed that the cost to construct the building has increased by \$3 million in the past six months. The difference between office and office residential has an absolute minimum reduction in traffic within the community of 2,000 vehicles per month. With 287 parking stalls and two floors of residential, only 50 parking stalls would be needed and would fit in the third level of parking. The public parking ratio would remain unchanged. Mr. McCandless believed that the extra stalls could be leased while retaining several as a contingency. Tax Increment Funding was described.

Mayor Weichers asked if the proposed building would create its own Homeowners Association (“HOA”) or fall under the existing HOAs. Mr. McCandless stated that the proposal would fall into both groups. The HOA for Lot 2 is a condominium group that includes five units and involves the management of the parking structure. He believed that as structured, the proposal would require no changes relative to the organization’s controlling documentation. An additional HOA will be created for the building itself for the unit owner. Of the 19 potential units, 10 would be allowed to be leased but not on a short-term basis. Mr. Tingey reported that as they move forward with the changes to the Development Agreement, those restrictions may be included in the requirements.

Council Member Bracken supported the proposed mixed-use but did not look forward to negotiating with the taxing entities.

Council Member Birrell stated there has been expressed concern with how much time the development project has taken to complete. She asked if CW Management would be willing to commit to a timeline to complete the proposed building. Mr. McCandless stated that the implementation of a timeline would be difficult as they have no control over the finances. The project involves a \$30 million structure with an additional \$6 million in addition to what currently exists.

Mr. Tingey provided highlights of the proposal, which included additional parking opportunities, height reductions, and less projected traffic. He noted that the project value is also greater than originally projected.

After speaking with residents, Mayor Weichers considered less traffic, less height, and positive parking a good reason to move forward with the project. The various tax implications were presented.

Council Member Birrell expressed concern with potential short-term rentals. She was disappointed that the Canyon Center was not coming through with any meaningful transit as part of the project.

Mr. McCandless stated that the existing parking is free and encouraged the public to utilize the structure.

3.0 June 30 CDRA Report – CDRA CEO Tim Tingey and Community and Economic Development Director, Michael Johnson.

Mr. Johnson presented the June 30 CDRA Report and stated that the Annual Project Area Report is required by State Statute. Prior to the last Legislative Session, they were known as November 1 reports and were approved annually every November. The report provides a summary of active project areas within the City with details pertaining to expenses, revenue generation, and changes within the areas over the past year. The report is submitted to the Governor's Office of Economic Opportunity and creates a database for projects Statewide.

Changes that have taken place since the November 1 report included the following:

- Apartment building entitlement was modified from 117 to 140 units;
- Two small retail spaces are substantially complete; and
- The City has received its first large increment collection since triggering the area and distributed the first round of funding to each of the taxing entities.

MOTION: Council Member Newell moved to APPROVE the June 30, 2022, CDRA Report. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

4.0 Update on the Proposed Gravel Pit and Town Center Community Reinvestment Areas - CDRA CEO Tim Tingey and Community and Economic Development Director, Michael Johnson.

Mr. Johnson presented the update to the proposed Gravel Pit and Town Center Community Reinvestment Area and stated that the areas were adopted by resolution of the CDRA several years earlier. Staff had begun discussions and held meetings previously with the Canyons School District and the Recreation Service Area. Direction was given to the City's consultant, Lewis, Young, Robertson, and Burningham to submit a formal application to Salt Lake County to begin the negotiation process. He reminded the Council that the request is for two proposed Community Reinvestment Areas ("CRA"), one at the gravel pit with the Cottonwood Heights Town Center, which includes Hillside Plaza and the adjacent 63 additional acres of land. He confirmed that meetings will commence with the taxing entities to move them forward.

5.0 Approval of Minutes.

The minutes of this meeting will be approved through the following process:

The Agency's Secretary will promptly circulate a draft copy of the minutes to the Board Members, who then will have three business days to provide any proposed corrections to the secretary. The Secretary will then circulate a revised draft of the minutes to the Board members, and the same review process will continue until such time as no corrections to the draft minutes are received within the three business days review period, whereupon that draft of the minutes will be deemed approved and will become the final Minutes of the meeting.

6.0 ADJOURN

MOTION: Council Member Birrell moved to ADJOURN the CDRA Meeting. The motion was seconded by Council Member Newell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, and Chairman Weichers-Aye. The motion passed unanimously.

The CDRA Meeting adjourned at 6:12 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS
MEETING HELD TUESDAY, JUNE 21, 2022, AT 6:30 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL
BOULEVARD

Members Present: Mayor Mike Weichers, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurgens, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

Excused: Council Member Petersen

1.0 WELCOME – Mayor Weichers.

Mayor Mike Weichers called the meeting to order at 6:32 p.m. and welcomed those present.

2.0 PLEDGE OF ALLEGIANCE.

The Pledge was led by Council Member Newell.

3.0 CITIZEN COMMENTS

Runar Boman reported that he attended a previous meeting and raised a question regarding the cost of the City Hall Solar Project. He thanked Community and Economic Development Director, Mike Johnson for providing clarification. He understood that 71% of the approximate cost of \$500,000 would be reimbursed by Rocky Mountain Power and expressed concern with the \$150,000 balance. He believed the remaining \$150,000 expense to the City will offset the cost that could have been utilized for multiple projects providing a direct benefit to the citizens. He questioned the solar rooftop as well as the Sustainability Resolution and its numerical reference.

Mayor Weichers emphasized the importance of voicing citizen opinions and confirmed that the solar panels were approved by the previous City Council. He stated the value is with less energy use by collecting solar energy.

Cynthia Blair gave her address as 7183 South Macintosh Lane and addressed the proposed rezoning located at 3526 East Fort Union Boulevard. She was supportive of the larger setbacks and emphasized the importance of the additional distance. A petition containing nearly 90 signatures from neighbors was collected. All shared very strong feelings concerning the neighborhood remaining single-family residential. A document conveying reasons for the petition

for the neighbors' request was submitted to the City Council and Staff. She urged opposition to the request and expressed frustration with it being the civic duty to report illegal rentals.

Mary Ellen Johnson, a Macintosh Lane resident, stated that she lives near the proposed property rezone along Fort Union. She emphasized the potential of the properties becoming short-term ski rentals for six months out of the year. She believed this type of twin home development would not be allowed on VRBO and Airbnb. Opposition to the proposed twin home development was recommended.

Mary Ellen Johnson read a comment from her neighbor, Peggy Clark, who resides at 3479 Macintosh Lane. Ms. Clark does not support the proposed rezone located at 3526 East Fort Union Boulevard. She believed it will set a precedent for multiple rezones and should remain unchanged. She urged the Council to deny the rezone request.

Goud Maragani introduced himself and stated he is running for Salt Lake County Clerk. He is a lawyer of 20 years, a veteran, and a first-generation American. He believed his proposals involve common sense and are measurable to ensure the protection of voting ballots.

There were no further citizen comments.

4.0 ACTION ITEMS

4.1 Consideration of Ordinance 384 Adopting a Final Budget for the Period of 1 July 2022 through 30 June 2023; Making Appropriations for the Support of the city of Cottonwood Heights for such Period, and Determining the Rate of Tax and Levying Taxes Upon All Real and Personal Property Within the City of Cottonwood Heights.

Finance and Administrative Services Director, Scott Jurges provided the Final Budget Report and indicated that State Statute requires the budget to be adopted prior to June 22, 2022. There was one change since the previous meeting as a result of receiving the Certified Tax Rate. A placeholder was added to the budget of \$50,000 toward new growth. This was calculated at \$31,379 with the tax rate reduction from the 2021 rate of .001740% to .001442%.

Mr. Jurges reported that the budgeted revenues are \$25.955 million with overall expenses totaling \$20.500 million. In addition to the expenses, transfers out go toward the Public Works Capital Project with American Rescue Plan Act ("ARPA") funds of \$3.779 million. Debt service for various buildings totaled \$1,028,000 and \$200,000 as an ongoing transfer in addition to \$828,000 for a one-time transfer from the ARPA received in the General Fund. The overall impact is use of \$1,654,000 of fund balance leaving \$6,858,000 in the fund balance at year-end. After holding the required 6% with the compensated absence amount, \$4.7 million will be available for appropriation at the next fiscal year's end.

Council Member Bracken thanked City Manager, Tim Tingey and the Finance Department for their efforts.

MOTION: Council Member Newell moved to APPROVE Ordinance 384. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

4.2 Consideration of Resolution 2022-31 Approving Performance Contracts for 2022 Butlerville Days.

MOTION: Council Member Birrell moved to APPROVE Resolution 2022-31. The motion was seconded by Council Member Newell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, and Mayor Mike Weichers-Aye. The motion passed unanimously.

4.3 Consideration of Resolution 2022-32 Approving and Ratifying a Bid and Awarding a Construction Contract for the Storm Drain Access Restoration Project.

MOTION: Council Member Newell moved to APPROVE Resolution 2022-32. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, and Mayor Mike Weichers-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Work Session and Business Meeting Minutes for June 7, 2022.

MOTION: Council Member Birrell moved to APPROVE the City Council Work Session and Business Meeting Minutes for June 7, 2022. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING

MOTION: Council Member Newell moved to adjourn the City Council Business Meeting. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 7:00 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting and the CDRA Meeting held Tuesday, June 21, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: 07/05/2022

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Tuesday, April 5, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: 07/05/2022