

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, OCTOBER 18, 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 Douglas Petersen, 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, Police Chief Robby Russo, Public Works Director Matt Shipp, Finance and Administrative Services Director Scott Jurgens, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

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 items were reviewed and discussed. Mayor Weichers reported that there will be an acknowledgment and introduction of a New Cottonwood Heights Police Officer.

Community and Economic Development Director, Michael Johnson, would provide an introduction and overview of the Midvalley Active Transportation Plan prior to the public comment.

City Attorney, Shane Topham, reported that the first legislative item will address the Consulting Agreement for the Big Cottonwood Canyon Mobility Action Plan. The Town of Brighton and the Central Wasatch Commission (“CWC”) were concerned about getting ahead of the anticipated traffic in Big Cottonwood Canyon. A Consultant was hired to conduct the study that will cost \$155,000 with the Town of Brighton being responsible for approximately \$100,000. It was anticipated that \$10,000 will come from the CWC and Cottonwood Heights with the remainder coming from the resorts. He reported that the agreement was approved by the CWC Board, the Town of Brighton, and possibly the resorts. Mayor Weichers emphasized the importance of being involved in these types of decisions.

Public Works Director, Matt Shipp reported that the second legislative item is for the bid and approving entry into a Construction Contract for the reconstruction of portions of the Big Cottonwood Trail. The item was part of a grant received from Salt Lake County in the amount of \$84,000.

3. **FORM BASED CODE – Voda Landscape Design, Principal Landscape Architect Mark Morris.**

Mr. Johnson introduced the Form-Based Code discussion and stated that Voda Landscape + Design has contracted with Cottonwood Heights through the General Plan projects. Voda Landscape + Design Principal Landscape Architect, Mark Morris, reported that their primary focus is urban design and being involved in multiple communities throughout the Wasatch Front. He explained that form-based code is a new way of design that is geared toward the form of development as opposed to the use. Aesthetic and the form of development are the primary focus and include architectural details, heights of buildings, and footprints. This type of Code is tailored to the specific conditions.

Commissioner Birrell stated that while there is a brand new build-out, there are residents in the City that are uncomfortable with the change facing their communities. The Dover Hills neighborhood, for example, is adjacent to an LDS church with surrounding acreage that has been recently put on the market. The nearby owners have expressed frustration with the potential development.

Mr. Morris stated that form-based code is generally attached to a General Plan process and is intended to make what is permitted more flexible as long as it meets the form. Images were presented. He explained that a form-based code is a collaborative process that follows the General Plan where communities identify goals. In discussions with Staff, he noted that it is important to understand the intent and determine the overall use of a project as long as certain requirements are met.

Council Member Bracken remarked that when originally discussing Accessory Dwelling Units (“ADU”) there was a large amount of opposition to the concept. Mr. Johnson reported that single-family neighborhoods are rarely impacted by form-based codes. Major corridors and nodes will see more of the change. There are tradeoffs to be negotiated because as a City, they tend to let go of the control of use but increase control with respect to design.

Conventional zoning was reviewed. Mr. Morris stated that most form-based codes have a public and private aspect. Coordination of physical form often takes on changes when going through the General Plan. They need to determine if the public investment is justified if they are concentrating development in specific areas. Broad category form-based parameters include:

- The character of the neighborhood or district;
- Frontage type;
- Building type; and
- Use.

Mr. Morris explained that the intent is to make the transition as straightforward and easy as possible. The process allows the developer to more easily support the vision of the community and enables Staff to provide direction. The surrounding municipality's implementation of the code was discussed.

Council Member Petersen believed this was a no surprises situation. He asked if there are issues that have not worked in the past that the City should be aware of. Mr. Morris stated that there are tricky parts to the Code in remaining focused on the form as opposed to the architectural style. Requiring durable materials like brick, stone, and wood was favorable without the condition of having to match other structures in the area.

Council Member Newell appreciated the flexibility in the aesthetics when getting into the pockets of the community. He felt this will create clarity and understanding when being shared with residents. Mr. Morris noted that recent State statutes relate to how far a City can go with architectural requirements but there was nothing of note.

Council Member Birrell asked if the process includes incentives directed toward affordable housing associated with using form-based code. Mr. Morris referenced the 400 South corridor in Salt Lake City and their long-standing Code while other cities are adjusting parking requirements for affordable housing projects. The reduction of parking stalls would be a significant incentive in reducing cost and allowing for a reduced rental rate.

Council Member Bracken was made aware of the multiple lawsuits associated with the process when researching form-based code. He asked what would prevent that from occurring if implemented. Mr. Morris explained that the intent is not that it gets changed frequently but clearly identifies the items that must be met. It is less about design standards than the form matching the community goals while making it easier for the developer to ensure that those goals are met. Public input may be considered as the General Plan process continues. Mayor Weichers thanked Mr. Morris for his presentation.

4. STAFF REPORTS.

a. Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance Update – Community and Economic Development Director, Mike Johnson.

Mr. Johnson presented the Staff Report and stated that a recommendation on the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance was forwarded to the Council from the Planning Commission. He provided a summary style update of the proposed provision changes to the SLEDS Ordinance and stated that discussion will continue over the next several meetings. The purpose of the Ordinance is to guide and regulate new development in various sensitive areas of the City and pertains specifically to new development. Hazards are also regulated by the Ordinance.

Types of hazards were identified. Mr. Johnson reported that the Riparian Corridor and Watershed are listed as hazards in the current Ordinance but there are no corresponding regulations. The Staff review and update began in 2019 with the intent to update all of the sensitive lands hazards and requirements to the highest and best practice for identifying, studying, and mitigating hazards in the City. Outside agencies and experts were consulted along with heavy involvement of City Staff. Formal discussions and a public hearing began in January 2022 and continued through

August 2022 with feedback from both the Planning Commission and the public. The Planning Commission reviewed and took substantial input on the draft Ordinance between January and August 2022. Formal public notices were posted on the City’s website. Draft Ordinances have been available online throughout the process and multiple articles have been published in the city newsletter regarding the Ordinance. Additional changes have been made throughout the process in response to public input received and as recommended by the Planning Commission. At its August meeting, the Planning Commission voted 4-to-3 to forward a recommendation of approval to the City Council.

Mr. Johnson reported that the Riparian Protection Section language changes include allowing regulatory agencies to clarify that they are allowed to do their maintenance and improvement work. Stronger clarifying language was added to ensure that existing properties are not being redeveloped and may continue using their property. Distance from waterways was discussed. Changes to the Section include:

- Added clarifying language enabling regulatory agencies proper access to do maintenance/improvement work; and
- Added clarifying language to ensure existing properties may continue reasonable maintenance activities and clarify how such activities may be done.

The purpose of the Ordinance has largely been left as-is and purpose statements remain with a few additional changes. Provisions were also updated. Mr. Johnson noted that the Purpose Statement now includes various types of hazards regulated by the Ordinance. The Scope and Applications section was removed and language was reallocated to places that make more sense. Staff felt it was not good practice to have discretionary regulatory standards in the Code and has been removed. Mr. Johnson confirmed that all authority to approve or initiate sensitive lands studies come from the Development Review Committee (“DRC”). Changes include:

- ‘Application,’ ‘Supplemental and Conflicting Provisions,’ and ‘Geologic Hazards studies’ have been moved to other sections;
- The ability of the CED Director to declare that a proposed development area does not qualify as sensitive lands has been removed; and
- Descriptions of appendices have been removed (each appendix is still part of the Ordinance).

Mr. Johnson reviewed newly added definitions and explained that items that were referenced previously but not properly defined were updated. He reported that any reference to City, Staff, or personnel was clarified to state “for the purposes of this chapter, unless otherwise specified, all decisions, approvals, and recommendations by the City shall be made by the DRC.” He confirmed that the DRC membership is to be approved by the City Council by Resolution once each calendar year. The DRC approval process was described.

Mr. Topham was concerned that if the approval of DRC members is not consistent, there could potentially be issues and claims that the DRC is not properly constituted because the City Council did not approve the Resolution. Council Member Bracken asked if there is a procedure where the

Council would review the item rather than call for formal approval during a meeting. Mr. Topham believed that stating the position of each DRC member unless amended by action of the City Council should be sufficient. The appropriate steps to eliminate liability were reviewed.

Mr. Johnson reported that the definition of 'Development' has been modified to that ensure roads are included as defined development. There is language stating that in a natural steep slope area, no development is allowed and roads were not explicitly referenced. He confirmed that utilities are not included as development.

With regard to the Applicability Section, the language now includes a portion of what was previously located in the Scope and Application section and placed here.

- Clarification that the requirements of the sensitive land apply to all lands located in Cottonwood Heights that contain or potentially contain a regulated hazard; and
- Clarification was added to the IBC Risk Category III and IV buildings. These include buildings that represent a substantial hazard to human life in the event of a failure such as schools, utility stations, hospitals, fire and police stations, and high-occupancy buildings.

Development Standards & Controls were next discussed. Mr. Johnson stated they also added clarification to various existing standards. There is an exception for slope areas under two acres that are not connected to a larger natural slope area and are not natural slopes east of Wasatch Boulevard. Anything east of Wasatch Boulevard is not allowed to be disturbed by development in any way. The changes include the following:

Slopes:

- No grading, retaining walls, or structures allowed on steep slopes; and
- Exceptions for slope areas under two acres that are not connected to a larger slope area and are not natural slopes east of Wasatch Boulevard.

Single Family Lots:

- Clarification on the measurement of minimum buildable area requirements; and
- Areas outside the minimum setbacks cannot count as buildable area.

Maximum Impervious Surface:

- In addition to requiring geotechnical reports to establish the maximum allowed amount of impervious surface in areas where mitigation can occur through a reduction in water infiltration.

Earthwork:

- Clarification that requirements apply unless otherwise recommended by a qualified engineer, standards for structure fill have been updated to ASTM D1557, which is a commonly accepted professional standard for soil compaction.

Vegetation & Revegetation:

- Added requirement for vegetation plans to be submitted with details on the proposed species, location, quantity, and irrigation.

Streets & Ways:

- Maximum impervious surface requirements for streets and roadways were removed; and
- A requirement was added for developments to provide pedestrian and vehicular connectivity.

Mr. Johnson described the Architectural Design Section, which previously stated that anything in the Sensitive Lands Area that requires design review must go to the Architectural Review Commission (“ARC”) and the Planning Commission. Staff felt there was no reason for the Commission to review something that is entirely architectural or design-related if reviewed by the ARC in a public meeting. The changes included the following:

Architectural Design:

- Planning Commission was removed from the existing ARC review process.

Subdivision Plats:

- Clarification that all subdivisions in SLEDS areas include a designation on the recorded plat. The existing provision was relocated to this section.

Staff noted that the SLEDS Ordinance discussion will continue at the next City Council Work Session.

b. Focus Survey Discussion – City Manager, Tim Tingey.

City Manager, Tim Tingey led the Focus Survey discussion and stated that the intent is to define survey topics. Two surveys were being considered. The suggested topics included land use planning, especially those related to the Fort Union corridor and Hillside development, and housing issues.

The Council discussed growth at length. Housing was identified as a concern and where the majority of community pushback occurs. Council Member Newell stressed the need to focus and

be vigilant on what may be coming from a State level. He felt it was most important to touch on moderate-income housing, which appears to be causing the most angst.

Transit issues were described. Council Member Bracken felt that density equates to transit and although outside the scope, there is a need and users need to be willing to pay for it. It was noted that some require affordable mobility for affordable living.

Mayor Weichers stated that the consensus is focused on housing and asked that questions be submitted to Mr. Tingey. The use of a document that will allow for better communication between Council Members was recommended.

c. **Proposed Budget Adjustment for Fiscal Year 2022-2023 – City Manager, Tim Tingey and Administrative Fiscal Services Director, Scott Jurges.**

Administrative and Fiscal Services Director, Scott Jurges presented the proposed budget adjustment for Fiscal Year 2022-2023 and reviewed the revenue and expenses.

Revenue:

- Marathon bus expenses of \$700;
- Police shift overtime of \$38,00 and \$2,600;
- Police overtime for contractor expense of \$1,500;
- Police overtime for the Utah Department of Transportation (“UDOT”) expense and reimbursement of \$1,625;
- Restitution from the City of Holladay Court in the amount of \$176;
- Police CCJJ Grant for training for the State of Utah totaling \$3,000; and
- A Historic Committee Survey of historic homes from the State of Utah for \$8,250.

Expenses:

- Contribution from the Cottonwood Heights Recreation Service Area for \$3,725. It was noted that this is an added expense from the City;
- Re-budget for the City Hall Door Badge System in the amount of \$45,000, which was carried forward using American Rescue Act Funds (“ARPA”);
- Small Business Program Grants for \$200,000, which was carried forward from ARPA;
- Transfer from the General Fund to the Capital Projects Fund for Property Acquisition funding in the amount of \$200,000;
- Radio purchase for Police due to the UCA transition/upgrading of the radio system totaling \$50,000; and
- Proceeds from the sale of the 2014 F-150 are to be utilized to purchase additional fleet vehicles for police in the amount of \$25,000.

Mr. Jurges reported that several Capital Project Funds items were re-budgets of items that were budgeted last year that were not completed. Multiple projects totaled \$3,020,000. Expenses totaled \$3,765,000 and were offset by \$745,000 in revenue.

- Public Works Building - \$101,000 spent the previous year;
- Contribution from Cottonwood Heights Parks and Recreation Service Area, specifically Ferguson Park - \$17,400;
- Transportation Investment Funding (“TIF”) Active Grant specifically for Fort Union bike lanes from the State of Utah - \$399,872;
- Funds for Property Acquisition funding for various property prospects - \$200,000; and
- Additional funds to complete the Big Cottonwood Trail contract - \$40,000.

Storm Water Fund:

- Rebudgeting of the unfinished stormwater project for the prior year. This will come from the beginning fund balance of \$915,157.

5. REVIEW OF CALENDARS AND UPCOMING EVENTS.

- Monster Mash will be held on October 28 from 5:00 p.m. through 7:00 pm. At the Cottonwood Heights Community Recreation Center.**
- Trunk or Treat will be held on October 31 starting at 3:00 p.m. in the City Hall Parking Lot.**
- Light the Heights will be held on November 28 from 6:00 p.m. through 9:00 p.m. at City Hall.**
- Future Planning Commission Meetings will be held on November 2 starting at 5:00 p.m. unless otherwise noticed.**

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

MOTION: Council Member Bracken moved to close the Open Session and open the Closed Session for the discussion of real estate transactions and personnel matters. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Session from 5:55 p.m. to 6:26 p.m.

7. ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Bracken moved to ADJOURN the Closed Session, resume the Work Session, adjourn the Business Meeting, and return after the Business Meeting to hold a CDRA Business Meeting. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

The Work Session adjourned at 6:26 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (“CDRA”) BUSINESS MEETING HELD TUESDAY, OCTOBER 18, 2022, AT 6:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD

Members Present: Mayor Mike Weichers, Council Member Douglas Petersen, 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, Police Chief Robby Russo, Public Works Director Matt Shipp, Finance and Administrative Services Director Scott Juges, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

1.0 WELCOME – Chairman Mike Weichers.

Chairman Mike Weichers called the meeting to order at 7:57 p.m. and welcomed those present.

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

MOTION: At 7:58 p.m., Council Member Newell moved to move into a Closed Session to discuss property acquisition. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

3.0 ADJOURN

MOTION: At 8:38 p.m., Council Member Bracken moved to close the Closed Session, resume the meeting, and adjourn. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

The CDRA was in a closed meeting from 7:58 p.m. to 8:38 p.m.

MOTION: Council Member Bracken moved to ADJOURN. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 8:38 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, OCTOBER 18, 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 Douglas Petersen, 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, Police Chief Robby Russo, Public Works Director Matt Shipp, Finance and Administrative Services Director Scott Jurgens, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

1.0 WELCOME – Mayor Weichers.

Mayor Mike Weichers called the meeting to order at 6:30 p.m. and welcomed those present.

2.0 PLEDGE OF ALLEGIANCE.

The Pledge was led by Assistant Fire Chief, Riley Pilgrim.

3.0 ACKNOWLEDGEMENTS

3.1 Introduction of Cottonwood Heights Police Officer, Ian Wallace – Introduction by Cottonwood Heights Assistant Chief of Police, Paul Brenneman.

Cottonwood Heights Assistant Chief of Police, Paul Brenneman, introduced New Cottonwood Heights Police Officer, Ian Wallace. Officer Wallace was the newest hire and came from the Utah Department of Corrections. He worked for the State of Utah for the last four years and had spent the last 18 months working within the Utah Department of Corrections - Adult Probation and Parole. Officer Wallace has a wife and son. Assistant Chief Brenneman stated that Officer Wallace was a good man and felt he would be a good fit for the department.

Officer Wallace was excited to work in Cottonwood Heights and was grateful for the opportunity to learn a new side of law enforcement. He spent four years with the Utah Department of Corrections and then worked as a Probation Agent. He would bring valuable experience from his corrections work that would be valuable to the Cottonwood Heights Police Department.

Council Member Newell asked for examples of what Officer Wallace would bring to the City. Officer Wallace stated that he has a broad knowledge of State offenders and the State offender system. His understanding of the court system, warrants, and offender tracking would be beneficial as well. Council Member Petersen wanted to understand how he came in contact with the Cottonwood Heights Police Department. Officer Wallace stated that he was recruited by his

stepfather, who had wonderful things to say about the Police Department. Mayor Weichers expressed his gratitude for Officer Wallace and the rest of the Cottonwood Heights Police Department. He was proud of the culture that exists within the department.

4.0 CITY COUNCIL COMMITTEE REPORTS

4.1 Committee Reports by Council Member Douglas Petersen.

Council Member Petersen reported that he attended the recent Utah League of Cities and Towns (“ULCT”) conference. Attendees learned a lot from the seminars. It had also been worthwhile to speak to colleagues from other cities around the State. Council Member Petersen stated that he serves on the Business Committee. He informed those present that ribbon cuttings are important events because they make businesses in the City feel welcome.

The Utah Mosquito Abatement Association met recently. Council Member Petersen stated that these types of committees are important to maintain the quality of life in the City. He was also assigned to the Parks, Trails, and Open Space Committee. There are many parks in District 1 and it is worthwhile to see projects that improve different parks in the City.

4.2 Committee Reports by Council Member Scott Bracken.

Council Member Bracken works with the Youth City Council. He reported that trees were planted on the left side of City Hall. At the last Youth City Council Meeting, there was a social event themed the Nightmare Before Christmas. The Youth City Council was also working on a project related to recycling. Council Member Bracken reported that he also serves on the Wasatch Front Waste and Recycling Board. Pam Roberts needs to speak to the City Council about the budget moving forward as well as a proposed fee increase to be imposed by Wasatch Front Waste and Recycling.

4.3 Committee Reports by Council Member Shawn Newell.

Council Member Newell shared information about the Arts Council. He referenced the completion of the boulder with artwork. There is a Cottonwood leaf on the boulder and it was exciting to see the final product come to fruition. He reported that the Monster Mash will take place on October 28, 2022, from 5:00 p.m. to 7:00 p.m. The Trunk or Treat will take place on October 31, 2022. He praised the team of volunteers and the Arts Council for their work on the events.

The semi-annual ULCT conference took place recently. A lot of information was obtained about issues that could impact Cottonwood Heights. That conference made it possible to speak to peers and understand how others are navigating issues. It was a wonderful growing experience. Some of the key topics discussed included housing, water, and growth.

The Emergency Preparedness Committee that Council Member Newell serves on is a place where he is constantly learning. He was amazed by the preparation work done by law enforcement. There are also a number of citizens that dedicate their time and are putting together programs that will help Cottonwood Heights be safer in the event of an emergency. Council Member Newell

was trying to motivate others to participate in a Neighborhood Watch Program. It was a way for citizens to be more engaged in the safety of the community.

4.4 Committee Reports by Council Member Ellen Birrell.

Council Member Birrell also attended the ULCT conference. One of the highlights was being able to hear from Chuck Marohn from Strong Towns. He addressed the importance of looking at mobility and transportation systems so that they are sustainable and safe for all users. Council Member Birrell was recently asked to speak at Brighton High School as part of the induction ceremony for the National Honors Society. It was a privilege to speak and participate.

A Wasatch Front Regional Council (“WFRC”) Meeting was held the previous day. Council Member Birrell reported that their 2050 Regional Transportation Plan showed priorities in three phases and outlined what needs to be built. As part of their transportation modeling, the WFRC looked at where urban cores are located currently and where they are projected to be built before 2050. One of the urban cores within the southeastern region is at the Gravel Pit at the mouth of Big Cottonwood Canyon. The decisions made in previous years by the City Council to designate that area as a high-density urban core could be influencing the desire of the WFRC and the Utah Department of Transportation (“UDOT”) to widen Wasatch Boulevard through Cottonwood Heights. As the City looks at the General Plan, it will be important to decide what the City wants to see between now and 2050.

The UDOT Little Cottonwood Canyon Final Environmental Impact Statement (“FEIS”) public comment period has closed. The City made a formal statement. As the process moves toward a Record of Decision, the City will continue to work with UDOT to protect the community from the envisioned commercial building within City boundaries.

4.5 Committee Reports by Mayor Mike Weichers.

Mayor Weichers discussed road maintenance. One of the most important things the City Council does, in conjunction with the Public Works Department, is to maintain roads so that they are drivable for residents. The Public Works Director created a five-year plan to maintain the roads. Before that plan started, the roads were given a grade to determine their condition. From there, the type of road maintenance that would be used was considered. Asphalt is susceptible to water damage and water creates cracks. The road maintenance used in the Public Works Department follows nationwide standards.

Mayor Weichers explained that the first thing the City can do is a crack seal, which is an application that can seal cracks on the surface to prevent water from entering the road base. As soon as a road has visible cracks, that option could be used. He reported that a slurry seal is a mixture of water, asphalt emulsion, aggregate of small, crushed rock, and additives. It is placed on existing surfaces to seal pavement, primarily on residential streets. The cost is approximately 20 cents per square foot and adds between five and eight years of life to a road. Another possible measure is a chip seal. This is a highly cost-effective preservation treatment that seals and waterproofs existing pavement. It provides a skid-resistant surface and adds eight to 10 years of

life to a road. If no maintenance is performed on the roads, after eight to 10 years, the roads will start to deteriorate quickly.

Approximately 2.6 million square feet of chip and slurry seal had been applied in the City within the last year. The cost was just over \$1 million. If those areas had been completely reconstructed, the cost would have been \$16 to \$37 million. That was not financially feasible for the City. Road maintenance is extremely important in extending the life of the road. Mayor Weichers understood that residents have concerns about roads and he wanted them to know that the City listened. Cottonwood Heights will continue to evaluate alternative road treatments.

5.0 CITIZEN COMMENTS

There were no citizen comments. The Citizen Comment period was closed.

6.0 PUBLIC COMMENT

6.1 Mid-Valley Active Transportation Plan – Introduction by Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson reported that the Mid-Valley Active Transportation Plan is a regional active transportation plan that is funded through the WFRF. There are six different cities participating including Cottonwood Heights, Murray, Millcreek, Holladay, Taylorsville, and Midvale. The goal of the Mid-Valley Active Transportation Plan is to establish a series of backbone active transportation routes that create connections between each of the participating cities. It will create a wider network of safe and usable active transportation routes throughout the region. The Mid-Valley Active Transportation Plan will be adopted individually by each participating city.

The goals of the Mid-Valley Active Transportation Plan were to prioritize safe routes for all users, complete a connected network of active transportation routes between cities, collaborate in a multi-city commitment, and improve access to key origins and destinations throughout each of the municipalities. Mr. Johnson reported that the Mid-Valley Active Transportation Plan process started in 2019. The Cottonwood Heights Planning Commission unanimously recommended approval in January 2022. The plan was first presented to the City Council in July 2022 and again in early October 2022.

The plan identified three levels of protection for active transportation routes. Level one would be the safest, with the physical separation of bicycle facilities from the roadways. Level three would involve bicycles sharing the road with vehicles. In Cottonwood Heights, the proposed network consists of 51 total recommended projects. This includes 16 multi-use pathways, which are considered Level one protection. The end result was approximately 40 miles of total active transportation facilities. The backbone projects, which are the priority of the plan, would be on the major roads of the City. For instance, Fort Union Boulevard, Wasatch, Highland, 2700 East, and 1300 East. Mr. Johnson stated that the Mid-Valley Active Transportation Plan closely matches the Cottonwood Heights Parks, Trails, and Open Space Master Plan.

Mr. Johnson informed those present that the Mid-Valley Active Transportation Plan will assist the City as funding opportunities are sought out. Cottonwood Heights sent Letters of Intent to the WFRC to begin building the multi-use pathway on Bengal Boulevard and Highland Drive as well as Union Park Boulevard at the entrance of the City. Having a plan in place was critical to receiving funding for the implementation of active transportation routes.

Mayor Weichers opened the public comment period. There were no public comments. Mayor Weichers closed the public comment period.

7.0 PUBLIC HEARING

7.1 Proposed Budget Adjustment for Fiscal Year 2022-2023 – Introduction by Finance and Administrative Services Director, Scott Jurges.

Finance and Administrative Services Director, Scott Jurges, presented and reviewed the Proposed Budget Adjustment for Fiscal Year 2022-2023. He presented the proposed changes to the General Fund. The first was a new expense that was offset by revenue. He explained that it pertained to insurance on buses for the marathon. The cost was \$8,702. The second item pertained to Police Marathon overtime and expense reimbursement, which totaled \$21,415. That was offset by a contribution from marathon organizers. The third item was Police DUI overtime shift reimbursement which totaled \$6,433. There was also Police overtime for a contractor expense and reimbursement at \$1,560, Police overtime for a UDOT expense and reimbursement at \$1,625, Police restitution for Holladay Court to reimburse for accident expenses at \$176, and a Police CCJJ grant for training from the State of Utah for \$3,000. There were direct offsets for those budget items.

Mr. Jurges reported that the next item on the proposed budget amendment was a contribution to the Cottonwood Heights Recreation Service Area for low-income youth to participate in a football league. The total amount was \$3,725 and was not offset by revenue. It was a new, one-time expense to the General Fund. The next item was the CLG grant for the Historic Committee for the survey of historical homes at \$8,250. This was a direct offset. He noted that the next item related to a door badge system project that was budgeted for in the last fiscal year. The request was to re-budget the \$45,797. The money had been appropriated last year and the amount that was not spent had been added to the Fund Balance. Now, the request was to utilize that.

The next two items related to the American Rescue Plan Act (“ARPA”) funds that were received during the last fiscal year. There was a line item for \$200,000 for small business grants within the City. Another item on the proposed budget adjustment list was a transfer from the General Fund to the Capital Projects Fund for property acquisition funding. \$200,000 would be transferred to the Capital Projects Fund for that use. Mr. Jurges reported that the next item was to allow the purchase of radios that would be needed for the Police. This was due to the Utah Communication Authority (“UCA”) upgrading the radio communication system. There was \$50,000 allocated for that purpose, but the actual purchase would be delayed until the City knew whether there were opportunities to receive grants from the State of Utah. The next item was related to the sale of a 2014 F-150 that had been declared surplus and sold last week for \$25,000. Mr. Jurges reported that the request for new funds for the General Fund was \$499,522. Of that, approximately

\$250,000 had already been budgeted in the prior year. The net new items totaled approximately \$250,000.

The Capital Projects Fund adjustments were reviewed. The first two items listed were re-budgeted unfinished projects from prior years. This included the standard re-budget of projects, such as road projects and trail projects, as well as a re-budget of unfinished Public Works Building work from the prior year. Mr. Jurges noted that there was also a contribution from Cottonwood Heights Recreation Service Area for Ferguson Park, which was specific to some desired improvements. The contribution was \$17,400. The next item had to do with the Transportation Investment Funding (“TIF”) active grant for Fort Union bicycle lanes, which totaled \$399,872. He explained that this was a reimbursement grant from the State of Utah. As soon as the funds were expended, it would be possible to request reimbursement.

The next item related to funds for property acquisition and the final item pertained to additional funds needed to complete the section of Big Cottonwood Trail that had been under study. Mr. Jurges explained that even though it appeared that the City was adding \$10,459,601 of new expenses, well over \$10 million of that was based on projects from prior years, where the funds were being utilized. The Storm Water Fund adjustment was reviewed. It was a re-budgeting of stormwater projects that were not completed in the last fiscal year. The amount was \$915,157.

Mayor Weichers opened the public comment period. There were no comments. Mayor Weichers closed the public comment period.

8.0 STANDING MONTHLY REPORTS

8.1 Monthly Financial Report – Finance and Administrative Services Director, Scott Jurges.

Mr. Jurges presented the Monthly Financial Report, which included a Cottonwood Heights Sales Tax Trend graph. From 2012 to 2020, the average increase from a percentage standpoint in the sales tax was 4.5% annually. In 2021, there was an increase of 17.5% followed by an increase of 10.9%. There could be many reasons for the sales tax numbers, but the increase may be related to overall price increases as well as the volume of purchases.

Council Member Petersen asked about online sales and the allocation of sales tax revenue. Mr. Jurges explained that there was 50% for the point of sale as well as a share of the population distribution. He noted that if someone visited a brick-and-mortar store in the City of Holladay, it means that the point of sale went to the City of Holladay. Alternatively, an online order that was sent to a Cottonwood Heights address would partially count toward the Cottonwood Heights sales tax. He believed this was enacted four or five years ago but was not certain. It made a notable difference. Mayor Weichers noted that the increase between 2021 and 2022 was significant. It coincided with the COVID-19 pandemic. He pointed out that online sales spiked during that time.

Council Member Birrell stated that at the WFRC Meeting there was mention of delivery trucks impacting roadways. She thought that was interesting. She assumed those trips would be offset

because fewer people were driving to a physical store. Mayor Weichers recalled the discussion and noted that it might have to do with heavier vehicles.

Mr. Jurgens shared a graph related to the County Option Highway Transportation Sales Tax. He explained that it was enacted by a vote so not all communities throughout the State participated. It was distributed slightly differently compared to normal sales taxes. The percentage increase from 2021 to 2022 was significant. He was not sure why the increase was so substantial and did not expect to see that kind of increase again next year. However, he acknowledged that this was a relatively new tax and it was difficult to know what the numbers would look like.

The Municipal Energy Tax was reviewed. Mr. Jurgens explained that this related to taxes on power and gas deliveries within the City. The amount stayed relatively flat but there was a slight jump between 2020 and 2021. That jump had to do with a rate increase enacted by the companies. It was a percentage-driven rate, so that increased the tax amount slightly. The budget for the current fiscal year was set at \$2.2 million and he believed the final amount would be close to that. Mr. Jurgens pointed out that as homes became more efficient, the numbers could start to drop.

Mr. Jurgens discussed the Cable Franchise Tax. He reported that it had stayed stable for many years. The Class C Roads Fund was reviewed. For every gallon of fuel that was purchased, there was a tax, and a portion of that tax was distributed to the City. Those funds were used to repair roads. Mr. Jurgens explained that this tax had been stable for several years but had increased to approximately \$1.41 million in 2022. This was surprising due to the cost of gas. He did not have an explanation for the increase, but the budget had been set at \$1.25. Mayor Weichers wondered if the amount would increase as the population continued to increase. Mr. Jurgens believed so but was not exactly sure how the tax amount was distributed to different cities. Council Member Bracken believed the number of road miles was considered.

The General Fund Expense Trend chart was reviewed. Mr. Jurgens reported that there had been increases year over year. A lot of the increases were related to the increase in wages and benefits as well as the increased costs associated with various service contracts. The City was approximately \$600,000 ahead of the 2022 spending. There was an increase in the budget. He stated that the budget was set at \$20,459,686. However, he did not expect that the City would spend that amount and it would likely be less than that. There was normally a 3% to 3.5% under expend, which would be approximately \$700,000 to \$750,000 less.

8.2 Unified Fire Report – Assistant Chief, Riley Pilgrim.

Unified Fire Authority (“UFA”) Assistant Chief, Riley Pilgrim shared the UFA Report. He explained that this was the 3rd Quarter Report – July 1 to September 30, 2022. It was noted that some data was missing, including the emergent call numbers. Typically, those numbers were 35% to 38%. That meant that roughly 180 calls were Priority 1 within the City. Assistant Chief Pilgrim reported that the call volume had remained fairly steady. He shared information about the large house fire that had taken place in the City. Following the fire, an article had been written related to cooking safety and home safety. The public education component was especially important. There had also been a garage fire in the last quarter and UFA had responded quickly.

Assistant Chief Pilgrim did not feel there were any concerns as far as the EMS call data. He reported that at this time of year, UFA liked to send out reminders about daylight savings and the change in season. It was also a good time of year to check batteries in smoke detectors. He informed those present that smoke detectors typically had a lifespan of approximately 10 years. Some types of smoke detectors had a date on them that could be referred to.

It was important to make sure that the units in Cottonwood Heights are serving calls within the City. This was being done. Between Station 110 and Station 116, almost 90% of the calls coming into Cottonwood Heights were handled. The remaining calls were handled by other Stations. Assistant Chief Pilgrim stated that the ambulance was a regional service. There was an ambulance in Cottonwood Heights at Station 110. Midvale was the next closest and then Holladay. The ambulance in Cottonwood Heights was picking up the majority of the calls within the City.

Assistant Chief Pilgrim shared a map with the Council and explained that the calls are coming from expected areas. Anywhere there is a high-density area or commercial area, there tend to be more calls. He reported that the number of calls per quarter was usually between 550 and 590.

A few events had taken place recently, including recruit hiring for the next recruit camp that would start in February. The UFA would soon make job offers. Assistant Chief Pilgrim explained that the estimated number of positions was 36, which would fill some vacancies. Background checks were currently being done and took between six to eight weeks to complete. UFA would also do the Standards of Cover, which would look at the operational model that UFA was working towards. For instance, improved response times and improved service to all of the communities. Assistant Chief Pilgrim reported that UFA would also begin the budget process in the next month or so.

Mayor Weichers asked about the call volumes. It appeared that the call numbers were down from 2021. The way the City is billed by UFA is based on the number of calls. That is important to track and consider. Assistant Chief Pilgrim confirmed this. Discussions were had about the call numbers. Assistant Chief Pilgrim explained that during the COVID-19 pandemic, an increased number of service calls were anticipated, but there had been a decrease. Mayor Weichers wondered how many calls came from the senior living facility. Assistant Chief Pilgrim offered to find that information and share it with the City Council in the future.

Council Member Petersen noted that he phoned the Valley Emergency Communications Center (“VECC”) recently and it had not been a pleasant experience. He wanted to understand how VECC was working with UFA. While he understood that officer response times were considered, he wanted to understand how the VECC phone call times were factored into the data. For instance, how long it took VECC to reach UFA. Assistant Chief Pilgrim offered to look into that and share information with the City Council following the meeting. Typically, the call would come in and when the dispatcher obtained basic details, fire staff was sent out as quickly as possible. While UFA was enroute to the address, more details would emerge. On the fire side, the intention was to dispatch the unit as quickly as possible. UFA has very little control over the VECC systems, apart from applying pressure to VECC consistently to improve the call time numbers. What UFA could control was the turnout time. That was where the focus had been recently. He noted that non-emergency calls tended to take longer or be tabled in favor of the emergency calls that were received.

Council Member Petersen wondered if VECC had improved in terms of the priority calls. This was confirmed. Assistant Chief Pilgrim stated that VECC had made a lot of improvements since the new phone system had been installed. City Manager, Tim Tingey reported that VECC had made notable strides. There were benchmarks required by the State and those benchmarks had been hit on a consistent basis. The benchmarks were reviewed each month. Council Member Petersen was glad to hear there had been some improvements to the service.

9.0 ACTION ITEMS

9.1 Consideration of Resolution 2022-53 – Approving Entry into a Consulting Agreement for the Big Cottonwood Canyon Mobility Action Plan.

MOTION: Council Member Petersen moved to APPROVE Resolution 2022-53 – Approving Entry into a Consulting Agreement for the Big Cottonwood Canyon Mobility Action Plan. The motion was seconded by Council Member Bracken. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

9.2 Consideration of Resolution 2022-54 – Accepting a Bid and Approving Entry into a Construction Contract for Reconstruction of Portions of the Big Cottonwood Canyon Trail.

MOTION: Council Member Newell moved to APPROVE Resolution 2022-54 – Accepting a Bid and Approving Entry into a Construction Contract for Reconstruction of Portions of the Big Cottonwood Canyon Trail. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

10.0 CONSENT CALENDAR

10.1 Approval of the City Council Work Session and Business Meeting Minutes of October 4, 2022.

MOTION: Council Member Newell moved to APPROVE the Consent Calendar. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

11.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to ADJOURN the City Council Business Meeting and Reconvene in the CDRA Business Meeting. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 7:50 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session, CDRA, and Business Meeting held Tuesday, October 18, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: November 1, 2022