

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, NOVEMBER 1, 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 Jurges, 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 noted several legislative items for the Council’s consideration and mentioned Ordinance No. 388 that would approve an amendment to the 2022-2023 Budget that was presented at the last meeting with a public hearing. Finance and Administrative Services Director Scott Jurges stated that he had nothing to add to that budget presentation, other than fixing a typo and changing the description of an item.

Mayor Weichers reported that the Council would also consider Resolution No. 2022-56, which would approve the Mid-Valley Active Transportation Plan. Community and Economic Development Director Michael Johnson stated that the Plan remained unchanged from a prior meeting, and a public hearing was held at the last meeting. The Plan was reviewed by the Planning Commission and updated substantially from where it was to its current form to ensure that it reflects the City’s different Master Plans. Mr. Johnson explained that this would involve a Resolution as opposed to an Ordinance because it represents a regional collaborative effort; therefore, the City would acknowledge the Plan but it would not be an amendment to the General Plan.

Council Member Birrell commented that this Plan was a good start and she was always in favor of working with other cities toward the best regional outcomes. She looked forward to seeing how they could make the Transportation Master Plan congruent with the goal in the Mid-Valley Active Transportation Plan that Fort Union Boulevard become a safe place for cyclists and pedestrians on the west end of the City. She looked forward to developing the part of the Mid-Valley Active Transportation Plan that pertains to Cottonwood Heights with neighborhood bypass routes that are meaningful and that will immediately help cyclists to get around.

Mayor Weichers stated that he asked City Manager, Tim Tingey, if potential grants would be affected if the Council did not approve this Resolution. He noted that some grants require an Active Transportation Plan to be in place.

Council Member Bracken asked if another Resolution would be required to change the portions of the Plan that only impact Cottonwood Heights. Mr. Johnson stated that the Active Transportation Plan could be updated by Resolution and noted that they would likely want to update other plans as well since there was some overlap and redundancy. He commented that it would be good to show that consistency throughout.

Mayor Weichers stated that the Council would also consider Resolution No. 2022-57 approving an appointment to the Arts Council. Mr. Tingey reported that he and Records Culture and Human Resources Director, Paula Melgar had an opportunity to meet with the candidate, Camilla Fowler, who has extensive arts experience and will be a great asset to the Arts Council. He stated that they would recommend approval of the appointment. Council Member Newell felt this candidate would be a great addition, especially since they will likely be losing people with similar talents.

Mayor Weichers reported that the last item for consideration would be Resolution No. 2022-58 approving an appointment to the Historic Committee. Mr. Tingey reported that he and Records Culture and Human Resources Director, Paula Melgar, had the opportunity to meet with Bruce Lubeck who is an amazing individual with an interesting background. He was a judge appointed by the governor years ago and he has a passion for historic items. Mr. Tingey stated he would recommend the appointment.

Council Member Birrell commented that the Historic Committee is already amazing and will only become better with this appointment. Council Member Bracken added that both the Arts Council and Historic Committee are doing great things. Mr. Tingey added that Mr. Lubeck has written his own personal history and loves history.

3. WASATCH FRONT WASTE AND RECYCLING DISTRICT REPORT – General Manager, Pam Roberts.

Wasatch Front Waste and Recycling District (“WFWRD”) General Manager, Pam Roberts presented a review of the 2023 Tentative Budget recently adopted by the WFWRD Board along with the proposed fee increases that are part of that Budget. She reported that the last time she was before the Council regarding a fee increase, they asked for an Action Item to pass a Resolution approving the fee increase. She explained that this year, the WFWRD was reorganized as a local district and under State statute, there is no requirement to have the municipalities vote. Rather, the City’s vote on this item will reside with Trustee Scott Bracken as the City’s representative. She would be presenting the fee increase to each of the municipalities for education and transparency purposes.

Ms. Roberts stated that WFWRD’s Finance Director, Paul Korth joined the District in 2019 and was instrumental in looking at costs, conducting analyses, and answering the question of why a fee increase is required. In terms of budget priorities, Ms. Roberts noted that the last fee increase

was in 2018 and the Board proposed, and each municipality (with the exception of one) agreed to, a \$2.25 per month fee increase for residents, which brought the fee to \$17.00 per month.

This year, they looked at capturing efficiencies where possible. She noted that the Board asked what the District had done over the past five years to absorb increased costs. They described many of the efficiencies they have been capturing with GPS systems on trucks, implementing technology with GIS, and forward-facing cameras on their trucks, which has helped reduce liability claims. She commented that even though the District is fully insured through the Utah Local Governments Trust if they are found to be at fault for claims, that cost would come back through the insurance premiums.

Council Member Bracken mentioned a video where someone claimed a truck struck a minivan, however, the video clearly showed that the minivan was already damaged.

Ms. Roberts reported that she explained to the WFWRD Board that the District would either need to raise rates or reduce services. Each of the 14 Board Members are residents who receive the services and, therefore, represent themselves as well as their neighbors. Each wanted to maintain the service level. The Board took the position that they did not want to go back to bi-weekly recycling and wanted to keep the Seasonal Container Reservation, even though it has changed over the past three years due to staffing issues. She noted that if they are not able to keep the Seasonal Container Reservation Program staffed and able to deliver 124 containers to the street, they would have been before the City Council regarding a fee increase. If they can go back to the former way of delivering the Seasonal Containers to the streets they would, noting that the District was doing its best to provide a service for bulk waste pickup. Weekly garbage service is provided pursuant to mandate and the Seasonal Container Program is a way for residents to dispose of bulky waste.

Ms. Roberts also mentioned the Land Fill Vouchers that residents can obtain at City Hall and haul their own waste to the landfill at a \$15 cost to the District. She mentioned that officials in Copperton raised the issue of garbage can repair and replacement and she highlighted that part of the monthly fee covered garbage can replacement for damaged or leaking cans. The general turnaround time for can replacement is 7 to 10 days. Council Member Bracken pointed out that if a resident simply wants a new garbage can due to odor, the resident must pay \$70 for a new can or \$45 for a refurbished can.

Ms. Roberts referenced the central glass site located in front of Cottonwood Heights' Public Works yard. She presented the pros and cons and stated that residents love having it but there are noise issues. They discussed fee scenarios with the WFWRD Board. With the cost increases for 2023, the Board felt that a \$2.50 per month/per home increase was appropriate. This would bring the monthly cost to \$19.50, billed quarterly in order to save money. Therefore, the quarterly fees would increase from \$51.00 to \$58.50 beginning January 1, 2023. She noted that residents would not see the increase until the April billing. She added that the fee increase would result in an annual increase of \$30.

Ms. Roberts reported that they have proposed a fee increase for the Town of Brighton, noting that the Town incorporated in 2019 and took a seat on the Board. They had not raised the Town of Brighton's fees since 2013 and commented that they have a different level of service in that the

residents do not receive curbside service. Instead, they have central container sites as well as a garbage compactor at the top of the loop. They proposed a \$1.25 per month increase for both full-time and seasonal residents in the Town of Brighton. Fees for trailer rentals for bulk waste would increase from \$175 to \$190 and fees for green waste would increase from \$45 to \$55. She added that the trailers are parked on a property for four days and then the District hauls it away.

Ms. Roberts stated that they are always looking for continuous improvements with technology and emphasized rising fuel costs, stating that the entire heavy equipment fleet with the exception of rear loaders, runs on Compressed Natural Gas (“CNG”). The difference in cost between diesel at \$4 per gallon and CNG at \$2 per gallon would result in a savings of \$1 million in fuel costs in 2023.

Council Member Birrell asked if the purpose and priority of the WFWRD included the reduction of waste and encouragement of behaviors to create less waste. Ms. Roberts stated that the District has a Sustainability Coordinator who has met with the Youth Council to discuss sustainability education throughout the District and for Cottonwood Heights’ youth specifically. They found that educating the youth might lead to some pressure on parents to do the right thing.

Ms. Roberts agreed that they want to reduce what is going into the black garbage cans and reuse as much as possible. She mentioned the Curbside Glass Program and subscription programs for those who want to pay extra to be able to reuse those commodities. She added that Quality Assurance Inspectors inspect the cans for blue, green, and glass to ensure they are clean and not contaminated with garbage.

Council Member Birrell commented that many residents in her District are very interested in how they can do their part and she wanted to see more community events. She felt that reducing single-use plastics was a key issue for her constituents. Ms. Roberts commented that with the educational push over the years, they have seen a reduction in single-use plastics going into the blue container, but it still happens. Ms. Roberts added that the Sustainability Coordinator also makes presentations at schools and invited Council Member Birrell to contact her to set up presentations at the schools in her District or anywhere within the City.

Mr. Korth presented the costs and expenses for 2018, which was the year of the last fee increase. He cautioned that his presentation did not include all expenses, but rather the main categories for the purpose of showing trends. In 2018, Wages and Overtime expenses were \$4.2 million, which increased to \$5.3 million in 2021. This year, he estimated Wages and Overtime at \$5.6 million, whereas next year’s budget is set at \$6.6 million for this category. He noted that the budgeted amount for 2023 assumed all positions are filled. The main employee category is that of equipment operator and noted that in 2018 the average starting salary for these employees was \$17.34 per hour. Through August of this year, the average salary was \$24.19 and they were still having challenges attracting and retaining drivers. Mr. Korth stated that the Board allowed them to increase wages and make adjustments over the past few years and although it has helped, they continue to try and catch up with the market.

With respect to Fuel, Mr. Korth reported that the expenses decreased in 2019 and then began to increase in 2021. There was a significant increase in fuel expenses in 2022, with costs of \$1.1

million. They anticipated a further increase next year. He noted that like wages, fuel expenses are difficult to project and there are many factors that go into those costs. They have also seen increases in Maintenance expenses, from \$2.6 million in 2018 to \$3.4 million for the 2023 Budget. These expenses reflect increases in labor, overhead, and parts. The parts backlog and parts costs have increased significantly in the last year, and it is not expected to subside in the next few months. Council Member Bracken commented that a portion of these increases was occasioned by the interruption to supply chains and the District has not been able to unload older trucks in order to purchase new ones. The older equipment results in increased maintenance costs.

Mr. Korth explained that the Disposal Fees show a slight increase from \$3.9 million in 2018 to \$4.2 million in 2023. He noted that the refuse tons had decreased slightly and the District established an agreement with Salt Lake County wherein they received a discount by taking tons of refuse to the landfill as opposed to a transfer station. He next addressed Recycling expenses and noted that this item is very volatile. He noted the expenses of \$893,000 in 2018 that increased to \$1.3 million in 2019 and then decreased to \$330,000 in 2021. These expenses increased the last couple of months. These expenses are based on a lot of different commodities markets such as paper, cardboard, plastics, and aluminum, which historically change significantly.

Council Member Birrell asked how far the recyclables were being shipped and if that played a role in the expenses. Mr. Korth explained that the recyclables are sorted locally, and then go to different markets. The WFWRD has two international recycling vendors.

Council Member Bracken added that much of the recyclables used to go to China until China changed its rules on what they accept. He noted that they maxed out at over \$65/ton and were paying more for recycling than garbage disposal, but they kept the processes in place. Ms. Roberts reported that the current recycling rates are close to 2019 rates when they were paying close to \$90/ton. She explained that the reasons for this increase are the changing markets with a lot of supply for paper and cardboard.

Ms. Roberts added that domestic paper mills have opened because of what occurred in China. There is a potential paper mill in Utah County where they are waiting to secure land. She noted that there is an international partner that has invested locally. She added that this was predicted to remain a high-cost item due to the slowdown of the market. She explained that they start with a base fee of what it costs the vendor to process each ton of recyclable material. If that cost was \$100/ton, then the final cost or revenue to the District would depend on what those commodities could fetch in the market. She noted that plastics and metals are still bearing a nice return; however, the value goes down based on the quantities in the market, and cardboard and paper currently do not have a high dollar value. Ms. Roberts added that the majority of recyclables are cardboard and paper and noted that those markets are expected to rebound in the spring.

In response to an inquiry, Ms. Roberts reported that the District calculates a contamination rate and noted that Cottonwood Heights was better than the average. The average contamination rate District-wide is approximately 27%, with 93% clean. She recalled that Cottonwood Heights' last calculation was less than 20% contamination.

Mr. Korth addressed the cost of a sideload truck, which in 2018 was \$313,000; in 2021 it was \$328,000. He commented that in 2021, the cost was less than \$351,000, however after they ordered new trucks, their vendor came back and stated that they could not do it for that cost. The costs of these trucks for next year were projected to be \$425,000. The District started to keep some of its trucks because they wanted to compare maintenance costs and purchase costs to determine if there was a benefit to keeping some of the older trucks.

Mr. Korth summarized the projected increases in expenses, noting that the projected increase for the trucks of \$3.5 million, which translated into approximately \$41/per year, per house. He explained that this increase was over 2018 to 2023 and included that prior increase; however, although they were trying to stay ahead of the increases in costs they used up the prior increase, which is why they need an increase at this time. He stressed that the District understands it is a challenging time with many cost increases but they felt that now was the time for the District to implement these increases.

Council Member Bracken noted that the \$2.25 increase over the five years from 2018 to 2023 amounted to \$0.45/month per year. He stressed that this increase was very much a health and safety issue for the municipalities.

Mr. Korth presented a spreadsheet showing the District's Cash and Investment Balances and Projections. He highlighted the Ending Cash and Investment Balance numbers that showed that in 2021 the ending balance was \$9.5 million; he explained that they include investments because they are liquid and accessible. He reported the decrease in the projected Ending Cash and Investment Balance, and that based on a recalculation, the number for 2022 would be around \$10 million as opposed to \$7.3 million. He explained that this increased figure was due to the fact that they did not purchase eight trucks that they had included in the budget. He noted that the District would rather have received the trucks they ordered.

Council Member Bracken commented that the key was to keep the drivers in the trucks so that they can keep taking the garbage out.

Council Member Birrell asked if the District was having issues with retention or attracting drivers and mentioned the dramatic route decrease implemented by Utah Transit Authority due to the inability to attract and retain drivers. Ms. Roberts responded that they work to establish a culture where people want to come to work. Unfortunately, the wages speak volumes, especially to younger families who might not see the value of long-term benefits and retirement. She explained that they tout the dollar amount associated with vacations and sick leave accrual.

Ms. Roberts added that the District was able to retain drivers because the Board has been generous and granted salary market adjustments. Based on experience, entry-level drivers are paid \$24/hour, and last year they implemented pay based on years of experience District-wide. She reported that 63 of the District's 95 full-time employees are drivers, so they are always looking at those positions for salary market adjustments. They had a salary market adjustment in 2020, and she consults with an expert who provides recommendations to the Board. Another thorough market analysis was done in 2022 and again for 2023. She noted that in addition to drivers, they

added two new positions this year for safety and to help with gathering data for real-time information, and they would also be adding three new driver positions next year.

Ms. Roberts reported that a leading footman operator can earn close to \$28.00/hour and drivers at the high end are at \$26 to \$27/hour. Council Member Bracken commented that there is a significant demand for drivers in construction. Ms. Roberts stated that the Board tentatively adopted the 2023 Budget on October 24, 2022. A public hearing will be held on November 14, 2022. Council Member Bracken requested that time be set-aside in a future meeting to discuss the scrap program

4. LEGISLATIVE REPORT – City Lobbyists Greg Curtis, Brian Allen, and Chantel Nate.

Mr. Tingey stated that they were preparing for the next Legislative Session and there has been a lot of work with the Legislative Policy Committee. Many issues have arisen such as housing, development, and short-term rentals. He referenced the draft document in the packet on various policy considerations and funding priorities. Mr. Tingey recalled that over the past few years, they looked at urban trail networks, increased funding for the Bonneville Shoreline, roads and transportation, and the P25 radio conversion. With regard to policies, they are always concerned about the distribution of sales tax, short-term rental issues, and transportation policies for the Canyons. As they move closer to the Legislative Session in January, they want to have further conversations.

City Lobbyist, Greg Curtis, addressed funding priorities and referenced the Governor’s announcement regarding urban trails. He was surprised by the announcement and noted that it appeared that there would be a significant push for some of the one-time monies to address connecting communities through urban trails. He reported that the Utah Department of Transportation (“UDOT”) stated that it is tapped out on State projects. He noted that UDOT is the #1 funded State transportation system in the country but local governments remain out of the loop when they address significant regional roads that connect communities. This is an ongoing issue.

Mr. Curtis stated that there had been a lot of discussion around the “fifth quarter,” which is an authorization given at the County level to impose an additional .2 and that authorization period expires July 1, 2023. There has been discussion on whether to reauthorize, which must be imposed by the County Council and has not generally had support. He stated that there were differing ideas as to how that should be done, and who it should go to, with some proposing that it be distributed similarly to the fourth quarter where they send money directly to transit. He commented that there was also an ongoing discussion on what is referred to as the County First Class Highway Fund where significant bonds are being paid off and how that money would be spent. He recalled that a couple of years ago, they distributed \$400,000 per year for 15 years to Cottonwood Heights.

Council Member Birrell commented that one of the things on the minds of her constituents was the advancement of the Wasatch Boulevard expansion through Cottonwood Heights within Phase 1 of the Wasatch Front Regional Council’s (“WFRC”) 2050 RTP. In looking at the models, she did not see support in the data and projections for the need to widen that road to five lanes, which is the priority with a phased-in two-lane imbalanced configuration. She wanted to understand why that regional road was made a priority over the need on the west side of Salt Lake Valley. Mr.

Curtis could not address Council Member Birrell's concerns since UDOT prioritizes those projects. He was on record in different Transportation Commission meetings expressing frustration with regard to how this is done.

Mayor Weichers asked Mr. Curtis if he was getting consistent information and felt comfortable understanding the City's priorities in terms of funding and grants. Mr. Curtis answered in the affirmative and stated that he communicates regularly with Mr. Tingey who gives him a good idea of the City's focus. He mentioned the money received for the Bonneville Shoreline Trail over the years and for different roads. Mr. Curtis expressed that Cottonwood Heights is a major focus on State infrastructure; however, acknowledged that he likely could not articulate the City's specific position on this issue.

Mayor Weichers mentioned a grant application referenced by the prior Mayor, who felt they would have a good chance of receiving the grant; however, Mayor Weichers relayed that he was advised that the City's lobbyists would have to stay on top of these grant requests. He remarked that perhaps there needs to be a better job ensuring that the lobbyists know what is on the City's horizon so that they do not miss out on something. Mr. Tingey stated that the referenced grant is for housing and the opportunity for property acquisition. Mr. Curtis mentioned several different grant programs discussed, many of which have restrictions in regard to rural and smaller communities.

City Lobbyist, Brian Allen, reported that there are already 312 pre-filed bills for the upcoming 2023 Legislative Session, and they are tracking 113 bills that might have a direct or peripheral impact on the City. He has seen themes related to property taxes, which were higher for taxpayers. Water conservation, infrastructure, and development were other significant issues, and he mentioned a recent bill in an interim committee that dealt with a prohibition against using property taxes to pay for water infrastructure. He stated that the Utah League of Cities and Towns ("ULCT") would likely oppose that bill. Mr. Allen reported that housing was another major issue and the ULCT has a short-term rental resolution. While they have not seen specific language in some of these bills, there have been conceptual ideas that he felt might be positive for the City if they passed. He also mentioned a number of law enforcement bills that may or may not affect the City.

Mr. Tingey commented that the short-term rental bill will focus on enforcement opportunities for cities and other options related to helping municipalities ensure that sales tax is created on approved rentals. Mr. Allen added that they have seen a number of bills on the Transient Room Tax and making sure that is enforceable. He noted that this topic created a range of issues, from allowing people to use their property as they choose to ensure that these uses do not infringe on the rights of neighbors.

Mr. Allen stated that there was recognition that a mistake was made when the Legislature stripped the cities' enforcement options related to short-term rentals and noted that every neighborhood struggles with unapproved short-term rentals. He referenced studies that demonstrate that short-term rentals have an impact on affordable housing and there is a lot of pressure at the Legislative level to determine what short-term rentals should look like. He felt that the story for the coming year would be to provide the cities with regulatory and enforcement tools, which would be a positive thing for the cities. He stated that the League was working hard on this issue and it would

be interesting to see how far they go. There were a lot of big issues before the Legislature and he mentioned the *Dobbs* decision that resulted in a number of bills touching on the issue of abortion. There are a number of other significant issues that will not impact cities directly but take a lot of the Legislature's time and energy. He stated that it would remain to be seen how that would impact action on the issues that directly impact the cities.

Mr. Allen noted that if there are 312 public bills, there were likely at least an equal number of non-public bills. A typical session has a few thousand bill files opened and he suspected this session would be busier than normal. He assured the Council that they are seeking feedback from the sponsors of the bills that might interest the City and are researching grant opportunities by subscribing to different feeds from various grant organizations to ensure that they receive notice when grants become available. They will provide a list to the City Council within the next few weeks.

Mayor Weichers stated that land use is at the top of the City's list of priorities and stated that a bill last year took the land use authority away from municipalities around transit stations. Mr. Allen reported that a bill has already been filed regarding transit zones. He stated that this Legislature has taken positions that undermine cities' land use authority. They continue to work with the ULCT on these issues and will do what they can to push back on these types of bills.

City Lobbyist, Chantel Nate, reported that they flagged a bill from Representative Kera Birkeland titled Affordable Housing Zoning Amendments. Although the language was not yet available, it was suggested that it would likely involve some sort of quota in the zoning law for affordable housing developments. Ms. Nate also reported that Senator David Buxton expressed concern about two cities that had intentionally built-up areas as a transportation corridor. As a result, it was likely that the Legislature would be looking at ways to protect transportation corridors. She noted that Representative Kay Christofferson was working on a corridor preservation bill. Mr. Allen explained that there was general opposition to transportation corridors, so they will likely look at something similar to a development moratorium.

It was noted Council Member Petersen was present via Zoom.

5. STAFF REPORTS.

a. Sensitive Lands Evaluation and Development Standards ("SLEDS") Ordinance Update – Community and Economic Development Director, Michael Johnson.

Mr. Johnson reported that this item would be a continuation of the presentation made at the last meeting and he would summarize the changes made section by section. The Sensitive Lands Ordinance already exists and many of the updates are technical in nature and incorporate new Best Practices since 2015. He planned on getting through the remainder of the summary tonight and reserving a more in-depth conversation about the Riparian Ordinance Standards for the next Work Session. He noted that while the Riparian Ordinance Standards are referenced in tonight's presentation, all of the standards are new because they do not currently exist.

Mr. Johnson reported that updates were added to the Minimum Acceptable Qualifications for consultants preparing studies for property owners and developers. These qualifications were made stricter and less open to interpretation, especially with regard to technical studies. Enhanced language was added to the standards requiring that the technical consultants have appropriate degrees and five years of experience in the field. For studies that are slightly less technical and involve things such as ground samples, the language would remain similar to how it exists currently; however, the consultants must demonstrate that they are qualified to do the work.

In terms of Procedure and Preliminary Activities, Mr. Johnson explained that this is the section of the Ordinance that deals with known or suspected hazards on a property and includes the pre-scoping land disturbance process. Changes were initially proposed for this section; however, as a result of public input before the Planning Commission, there was a preference to leave the section unchanged. Mr. Johnson commented that this section of the Code covers everything from a pre-scoping meeting to a scope of work letter, to a concept plan, to final land disturbance permit approval. It also includes detailed requirements for those meetings, surveys, staking, bond requirements, site inspections, reclamation, revegetation, and similar issues. They created an internal policy that could be incorporated by reference in the Code, and that documents this process in a flow chart form.

With regard to Geologic Hazard Study Area Maps, Mr. Johnson explained that this section of the Code references maps of fault hazard zones that are known or suspected. They updated those maps based on the most recent Utah Geologic Survey (“UGS”) data. He added that they also clarified that City maps would contain the official hazard study areas, but additional areas may be eligible based on other data. Mr. Johnson presented a graphic of the Hazard Study Area Map that showed the existing Sensitive Lands Overlay Study Zone with the new zone. The existing study zone was shown in purple. He explained that this map represented all of the different hazards regulated by the Ordinance, including ground water, faults, steep slopes, liquefaction, and other hazards. This map combines all of the study zones and noted that what is in the hazard area on the west/southwest side of the City is very different from the area on the east side of the City, with one being ground water and the other being steep slopes and faults. He stated that the development process changes substantially depending on the zone, but it is all regulated by this Ordinance. The map was created using fault data from UGS, and groundwater data from Federal Emergency Management Agency (“FEMA”), Salt Lake County Flood Control, and other sources.

In response to an inquiry, Mr. Johnson stated that the map reflected the Hazard Study Areas as a whole, with the purple areas depicting what exists today and the blue areas depicting what is proposed in the amendment to the Ordinance. If the amendment were approved by the City Council, then the areas in blue would take the place of the area shaded in purple. He explained that the expansion of these areas was based on new data, as well as annexation. The southern portion of the City is all Sensitive Lands and was not covered originally because it was not part of the City.

Mr. Johnson stated that the hazards on the west side are primarily related to ground water, source protection, and some slopes. He added that if there were isolated areas in the middle of the City that have hazards, the Ordinance would still regulate them. He noted that the Ordinance contains individual maps for each hazard. He next addressed Building Permits for Lots created prior to this

Ordinance. It addresses disclosures required by the site and structural engineers. He gave the example of an entitled Lot in a very hazardous area that might not be approved for subdivision entitlement today, but already exists and would require disclosures by the project engineer.

Mr. Johnson explained that this amendment would apply to new development on lots, and the Ordinance itself would still apply to existing homes that owners wanted to expand or redevelop. He explained that when they receive an application for development or a lot split, they required a disclosure on the Subdivision Plat. This Ordinance would cover lots that currently exist that do not have that disclosure. He referenced ridgeline lots that include a note on the Subdivision Plat, but they are also required to record hazard disclosures on specific lots; that practice would continue. He explained the new changes in how Hazard Reports are submitted and reviewed. They added new language specifying that a field review by the City is required for any site work. Although this was something they typically required, it was not directly codified.

They also added requirements for reports meeting the UGS Circular 128, which is an industry-accepted document for preparing these reports. Language was also added that reports must be prepared in accordance with State requirements for professionals. If a final report indicates that no hazards exist on a property, the City may revise Hazard Maps accordingly. Mr. Johnson advised that the amended Ordinance would require all reports to include written, stamped certification from professionals that certify that the reports meet the requirements of the Ordinance and the proposed development would not present an unreasonable or unacceptable risk. He stressed that the developer is being asked to step up and directly certify that the work being done meets the standards of the Ordinance and reasonably mitigates risk. He mentioned additional language wherein engineers retained by private property owners not only have to meet the Minimum Qualifications, but they have to have a certain amount of liability insurance to ensure that firms and consultants doing the studies are reputable professionals.

Council Member Bracken asked how long the liability protections would last. Mr. Johnson noted that from the City's standpoint, they are just requiring the consultants to demonstrate that they have liability insurance at the time of development. The insurance policy details are not something the City would get into, as that is the purview of the property owner.

Mr. Johnson also stated that they updated the appeals process and explained that there used to be a specific SLEDS appeal process whereby both sides could select a professional for the hearing. However, because the City has a good, codified appeals process in the Zoning Ordinance they made these appeals subject to the City's appeal standards.

He explained that Appendices in the Ordinance are specific to each individual hazard. He presented the Appendices as follows:

- Appendix A would contain the Hazard Study Area Maps.
- Appendix B would contain the Minimum Standards for Surface Fault Rupture Studies or fault line studies. They added requirements to comply with the UGS Circular 128, as well as a Building Code table showing requirements for fault hazard studies based on the age of fault and building risk category. They also corrected a discrepancy in the Ordinance

regarding the setback from a fault line, and the Planning Commission felt that a 20-foot setback would be appropriate.

- Appendix C would address Slope Stability. He noted they updated the Hazard Maps and added additional requirements that landslide reports and slope stability reports conform to the most recent industry guidelines. They also added guidelines for soil and rock sampling to be based on standard guidelines.
- Appendix D would contain the Minimum Standards for Liquefaction. They added language in the introduction section, as well as a requirement that these investigations be performed with any other geotechnical or geologic hazard study prepared in the City to look at liquefaction potential. He noted that they added updated information regarding safety factors based on the type of facility, as well as requirements for subsurface investigation and documentation from the project engineer that a building is designed to be protective of life during and after a seismic event. He noted that some of the language came from Planning Commissioner Jessica Chappell, who is also a structural engineer.
- Appendix E (Debris Flow Hazard) and Appendix F (Rockfall Hazards) were amended to comply with the UGS Circular 128.
- Appendix G (Groundwater Source Protection) and Appendix F (Foundation Observation Standards) would not be changed.
- Appendix I addresses the Riparian Corridor and Watershed Protection. This hazard is included as a listed natural hazard in today's Ordinance, but the standards do not exist. Therefore, new regulations were drafted and proposed.

Mr. Johnson explained that Riparian Areas include a stream channel or wetland, and the adjacent land where the vegetation complex and microclimate conditions are products of the combined presence of perennial and associated high water tables and soils that exhibit some wetness characteristics. In other words, these are areas around open waterways. The standards were drafted because while the Ordinance mentions Riparian Hazards, there were no associated standards, and they want to protect any sensitive area in the City, especially from the impacts of new development. He explained that as the City continues to grow and mature, they found that much of the land left to be developed or redeveloped falls within one of these sensitive areas. He noted that there has not been a lot of development around open waterways, per se, but there is always demand for development and they use the Sensitive Lands Ordinance constantly. Council Member Bracken asked if it would cover flood control around the creeks. Mr. Johnson noted that other entities would also be involved in reviewing that, but these regulations would also address those issues.

Mr. Johnson stated that the Riparian Standards were drafted and geared toward properties within the Riparian Protection Areas and new development. It does not apply to functions of regulatory agencies conducting necessary operations or emergency response measures. The proposed standards have gone through public input and Planning Commission review. The Ordinance develops Riparian Protection Zones and would regulate based on proximity to the top of a bank. Therefore, the closer a development is to a bank, the more reports and justifications would be required as part of development. He explained that they drafted a Table of Uses that identifies what activities would be allowed in which areas and the requirements for each area. He noted that there would be rare instances when activities would be disallowed close to the top of a bank.

Mr. Johnson reported that most of the restrictions apply to new or substantial development activities. The maintenance of any existing structure is allowed and the Ordinance is intended to allow people to continue to use their property. In addition, he noted that removal of dead trees and hazards would be allowed, while removal of healthy trees, although allowed, would require review. He commented that if they have a system of healthy trees along a waterway that provide bank stability, the City will want to see a plan for any proposed removal.

In response to an inquiry from Mayor Weichers, Mr. Johnson reported that they consulted with FEMA, Salt Lake County Flood Control, and other sources to create these standards.

Council Member Petersen noted that many of his constituents have been good stewards of their properties that border Little Cottonwood Creek and have expressed concern about some of the language. Mr. Johnson noted that Council Member Petersen sent him a list of questions that he would address at the next Work Session. Mr. Johnson added that certain development activities in Riparian Zones will require Development Review Committee (“DRC”) review and approval. There are a few activities they have recommended be disallowed based on proximity to the creek, but most of the development activities defined in the draft Ordinance would still be allowed with the required approval. Staff viewed development in these areas as similar to development near steep slopes or a fault line. He referenced houses that exist that are located on top of faults and stated that if the owners want to expand or redevelop those lots, they would be required to have studies. This same concept applies to the Riparian Zones. He stressed that the amendments were not designed to get in the way of property rights or standards but were looking to establish reasonable standards that apply mostly to new development and intense new development closest to these hazard areas.

b. Introduction of the Transportation Master Plan – Public Works Senior Civil Engineer Adam Ginsberg and Horrocks Engineering Representatives.

Public Works Senior Civil Engineer, Adam Ginsberg, reported that the City has been working with Horrocks Engineering to develop a Transportation Master Plan that builds off of the 2019 Capital Facilities Plan, which included a 10-year model. He noted that the 2050 Transportation Master Plan extends out 30 years. The Transportation Master Plan incorporates all of the transportation policy documents adopted previously. He referenced the Mid-Valley Active Transportation Plan and City Master Plans, including the Fort Union Master Plan, Wasatch Boulevard Master Plan, and Gravel Pit Master Plan. The transportation model anticipates a level of service up to 2050, and the basis of that model uses the Wasatch Front data called Traffic Analysis Zones (“TAZ”), which are the anticipated populations based on what is in the Wasatch Front Model. They also included the Gravel Pit in the model, which showed its own population density.

With regard to questions regarding the population that was used, Mr. Ginsberg explained that the number included the anticipated population plus the employment population. The document presented to Council is a draft and they were looking for Council feedback and priorities for transportation moving forward. Council feedback would be incorporated into the final document.

Mayor Weichers asked if the WFRC used a vendor or employees to create the Plan. Mr. Ginsberg felt that it was done in-house and noted that much of WFRC's staff includes transportation planners. The 2019 RTP showed economic zones in the Gravel Pit and in the Union Park area, and he felt that this is what generated the growth in WFRC's model. Mr. Ginsberg reiterated that this Master Plan goes out to 2050 and includes the typical roadway classifications based on the updated ordinance. The goals of this Plan include developing an efficient and comprehensive transportation network for residents that would integrate with the updated WFRC regional transportation plan.

Additional goals included providing safe and efficient traffic movements in Cottonwood Heights, promoting active transportation on all Cottonwood Heights roads, and identifying locations for future neighborhood connectivity projects. The Plan includes different sections for active transportation and a proposed project list based on the model and what Staff identified as projects that would help the City's roads in particular. Mr. Ginsberg reported that they did not look at the Plan from the Wasatch Front perspective and wanted the projects to reflect improvements that would work on the local roads.

Mr. Ginsberg introduced Kevin Croshaw from Horrocks Engineering who provided data included in the Plan. Mayor Weichers understood that if the Council disputed population estimates it would not be difficult to plug in new numbers. Mr. Croshaw agreed but stated that they would want to ensure that they keep the communication open. Mr. Ginsberg explained that it was a computer model, so whatever population they ultimately use could be plugged in and the model would generate based on those numbers. Mr. Croshaw explained that functional classification serves two purposes. One is mobility or getting around town, and the other is access to homes and businesses. He explained that these purposes have an inverse relationship, meaning that as mobility is increased, land access would be decreased. They divided the City into functional classifications to serve these purposes. He listed these classifications as Urban Core Arterials, Urban Arterials, Urban Collectors, and Local Roads. Typically, these are spaced to optimize the traffic flow throughout the City.

Mr. Croshaw reported that they worked with Staff to develop typical cross-sections of each functional classification, which he presented to the Council. Mr. Ginsberg added that Urban Collectors are roads like Greenfield, 7200 South, Park Center, 1700 East, and parts of 2300 East. He referenced the three-lane urban arterials and the different variability within the 75-foot right-of-way, including bike lanes, parking, and shoulders. Mr. Ginsberg noted that they made an effort to include some sort of active transportation in the cross-sections. Mr. Croshaw highlighted the Urban Core Arterial for Fort Union Boulevard and noted that they included both three and five-lane configurations. He also referenced the seven-lane Urban Core Arterial.

Council Member Bracken asked if the cross-sections that reference Highland Drive and Fort Union Boulevard were examples of those types of roads. Mr. Ginsberg stated that the cross-sections were specific to those roads. He addressed the cross-section for Fort Union, which would be specific to 3000 East and Wasatch Boulevard that showed a three-lane roadway with the new plan to install a 20-foot pedestrian trail on the north side of the roadway.

Council Member Birrell understood that they were interested in discussing designations and the technical information; however, the Council's primary responsibility is to its citizens and she felt that making mobility and access the two principal metrics was not representing the citizens' feedback. The residents' predominant interests were related to safety, meaning slower speeds and less volume. She did not see the emphasis on safety in the draft Plan and noted that there was no discussion of 35 MPH road designs, no matter the designation. If mobility and access were the guiding principles of the Transportation Master Plan, Council Member Birrell wondered if that fit with what she understood this Council viewed as its principal duty, that is, safety for all users.

Council Member Bracken stated that it involves a spectrum and highlighted the fact that there are freeways and local roads that provide different things. Mr. Croshaw commented that safety is always an important part of the roadways but the reason they created the functional classifications was to allow adequate traffic flow in those areas where there is higher vehicle traffic. He noted that safety was a very important part of the analysis, and they want Council's feedback to ensure that safety is reflected in the Plan.

Council Member Birrell commented that she objected to the developing arterials in Cottonwood Heights from the west side to the east side because they are driven by the principals of highway management. She referenced the National Association of City Transportation Officials ("NACTO"), an organization that is a driving force in the United States that puts much more emphasis on the residents and safety than on highways that are designed to move vehicles as fast and efficiently as possible. She stressed that she is very interested in the City and noted that there was a trend afoot in the country where there is a greater emphasis on safety and mobility for all users. Based on her review of the draft Plan, she was concerned that it was led by the American Association of State Highway Transportation Officials ("AASHTO") that focuses on issues like level of service, reliability, and access. She was not opposed to addressing those issues, but first and foremost she was looking for safe mobility for all users.

Council Member Bracken did not disagree with Council Member Birrell's statements but observed that while NACTO has some good ideas, it was critical for this Council to understand that it was designed around cities with populations in excess of two million people. Salt Lake City is only an adjunct member of NACTO because it is a capitol city within a large valley. He added that there are several things they could do to improve the built-out network. Mayor Weichers reminded the Council that the City is at a starting point and the Transportation Master Plan is in the early stages and the Council can plan accordingly.

Council Member Birrell felt it was important to identify what they are trying to accomplish so that the resources and time of Staff, the Council, and the public are used efficiently. She did not want to go down a path that would take them where it is predominantly about building out for the sake of car-centric mobility. They want motorists to have reliability, but as a Council, they need to agree on what they and the constituents want for the City.

Council Member Bracken recalled that he suggested that the City conduct a Transportation Survey after they complete the Housing Survey.

Mr. Croshaw continued by referencing a map showing the existing functional classification, including the intersections and intersection controls. He described the Level of Service (“LOS”) and how they grade the performance of a road. Council Member Bracken clarified that this was a grading system for the performance of a road for vehicles. Mr. Croshaw explained that the national standard for an acceptable LOS is “D”, which provides a balance. If they build to a Level of Service A, they will overbuild roads and it would be very expensive. Level of Service D roads experience typical congestion during peak hours of the day, and the rest of the day would see good traffic flow. For roadway LOS they look at daily traffic volume, and he presented a graphic showing the analysis. Intersection LOS is based on delay per vehicle and there are a number of factors that make an intersection work. He presented the Levels of Service thresholds for signalized intersections and stop-controlled or roundabout intersections.

From a high-level standpoint, the Master Planning process included looking at the WFRC Travel Demand Model, as well as roadway and intersection LOS. The detailed level of analysis looks at VISSIM and Synchro, which are traffic-modeling programs that look at specific corridors and intersections to build in-depth models. Mr. Croshaw explained that the Master Planning process involves a high-level type of analysis where they look at the system as a whole and the Traffic Analysis Zones. He explained that the entire Wasatch Front is split up into Traffic Analysis Zones, and within the zones, they have socioeconomic data that generates trips into and out of those zones. He noted that every time they run the model, it includes the entire Wasatch Front so it brings the region into perspective. They also take into account local studies like the Gravel Pit Study and make adjustments based on those studies. It was noted by Council Member Bracken that this program includes data for each zone based on homes, businesses, and average trip counts generated by what is in the zone.

Mr. Ginsberg referenced the 2050 WFRC Travel Demand Model TAZ Map that showed a population of 15,291 in the Gravel Pit, whereas the existing TAZ Model would show zero.

Mr. Croshaw reported that they performed traffic counts to help calibrate the data and the model and he presented a map showing the existing LOS in Cottonwood Heights. This is based on roadway capacity and traffic volume.

Council Member Bracken asked if they could include UDOT’s roads in this data for informational purposes. Mr. Ginsberg stated that they originally looked at it with some UDOT projections, however, based on the Council’s position, they felt it best to not include it until they come to some sort of conclusion. The data is included for movement, but it is not shown on these maps.

Mr. Croshaw stated that they performed short and long-term analyses of the Level of Service. The short-term analysis is from 2023 through 2032 and corresponds with WFRC’s Phase One, which helps to bring cohesion with the other planning in the region. He explained that the No-Build LOS states that they would let development happen without any improvements; this data helps them to determine the projects and needed improvements.

Council Member Bracken identified an area that surprised him. Mr. Ginsberg explained that this is because it is a classification as a collector and there are different thresholds depending on the LOS for a collector versus an arterial.

Mayor Weichers asked about the criteria that would make a particular road unacceptable. Mr. Croshaw responded that a two-lane collector at 12,100 would be a Level of Service E.

Council Member Birrell observed that the Plan was based on continuing to do what the City has always done. She referenced an article where a woman conjectured about a future without a Monday through Friday workweek and rush hour. She was interested in seeing Cottonwood Heights lead the way and looking at what they could do going forward to make life better and safer. To talk about Levels of Service that are based on an antiquated system of traffic flow and rush hour only continues the problems they are seeing. She would like to question the norm and find an innovative Transportation Plan that envisions something different going out to 2050 rather than simply continuing something that was done in the 20th century.

Mr. Tingey stated that if that were the approach the Council wanted to take, they would have to start over with this Transportation Master Plan. He noted that the City has issues and needs related to transportation right now and he did not see how they could plan based on conjecture of what the future may or may not be. If those things start to occur, they could then address them, but Staff needed direction from Council. He stressed that this approach to planning was based on data, needs, and the concerns of the residents. He expressed concerns about using an entirely different methodology at this time.

Mayor Weichers agreed and stated that his most pressing concern was whether the data was correct since he has never been in a backup on roads shown on the map in red. He questioned the classification of the roadway as a Level E or F. Council Member Bracken clarified that this classification illustrates what it would be if they did nothing until 2030.

Mayor Weichers stressed that data is more important to him now so they can make good decisions. Council Member Birrell supported using the data and noted that one of the biggest concerns of her constituents was that UDOT was working with outdated data. If it took some of the City's budget to do better analysis and accurate data, she would be supportive of that. She did not want to induce demands on the City's roads by widening them prematurely.

Mr. Croshaw reported that they conducted traffic counts throughout the City. Mr. Ginsberg added that they utilized UDOT's data and had Horrocks Engineering collect data. He stated that they could revisit 2300 East. Council Member Bracken stated that UDOT reported it at 14,000 in 2019. Mr. Ginsberg noted that 12,100 was at the cusp between Levels of Service D and E. He agreed that for the most part, that road flows at an acceptable level. Mr. Ginsberg pointed out that the proposed project for 2300 East was more about providing sidewalks and adding a center turn lane. Mr. Croshaw referred to these as living Master Plans because as the City grows, things change and the Master Plans get updated to reflect those changes.

Council Member Birrell queried the percentage of trips that were under five miles and felt it was 35% or higher. She added that residents are interested in a more walkable, bicycle-friendly community but the roads are not safe. Council Member Bracken added that there was an assumption that the residents also want to be able to get in their cars and go downtown in an efficient manner. He agreed that residents want safe bike lanes, but they are not saying they want

the roads congested. He stressed that there is a balance there that the Council needs to address and a Transportation Survey would really help in this process.

Mr. Croshaw presented the long-term plan that corresponded with WFRC's Phase Two and Three-time frames of 2033 through 2050. He reminded the Council that they use the maps as a base to work with Staff to identify projects and improvements. He presented the proposed projects to meet the future demand and noted that they were numbered based on the phase and the priority. Mr. Croshaw presented the projected future roadway network following the completion of the projects.

Mr. Tingey reported that Staff needs input and if there are philosophical changes in transportation for the City they would need to address that. The Master Plan was developed around standard engineering practices and procedures based on existing data; however, they could push deeper into that data and they could make adjustments if requested. He stated that they would like to schedule the next Work Session where they would present this in further detail but requested any additional input so that could include that in the analysis for the next document. He stated further that once the Council determined the direction it wants to go, the Master Plan would need to go to a public hearing for review and comments. He stated they were not in a rush to adopt this Plan as they have dealt with the design speeds already through the ordinances; however, they were looking to move forward. He stated that if they have an adopted Transportation Plan, it would be used as part of development as it comes in, therefore it is an important tool for the City and developers. He added that an adopted Transportation Plan could also be used for funding and stressed that it was necessary to have it, but they want to ensure that they do it right.

Council Member Bracken referenced the list of projects and was happy to see the incorporation of bicycle byways and similar projects. He observed that it would be a lot of work to get some of the connectivity done. Mayor Weichers expressed appreciation for the work done to date and felt that Council Member Birrell raised a number of good points. He noted that the Council needed to deliberate and decide what it wants to see going forward.

c. **Canyon Centre Traffic Study – Public Works Director/ City Engineer Matt Shipp.**

Mr. Shipp reported that this was the study performed when they reevaluated the Canyon Centre and they previously discussed the transportation plans submitted. Part of the discussion was whether they would be creating more traffic in the area and they found that the developer's studies came out the way they should be based on standard practices. He noted that they illuminated the traffic issues that affect the neighborhood to the west of the Canyon Centre Development. Mr. Shipp explained that especially on heavy snow days, traffic backs up on Fort Union to either go up Big Cottonwood or Little Cottonwood. People that want to go up Little Cottonwood tend to cut through the neighborhoods to try and avoid the intersection. By doing so, it creates blocks for the neighbors trying to get out of the neighborhood.

Mr. Shipp reported that the peer review for Canyon Centre addressed reducing the passage of traffic through the neighborhood, improving residential access to Fort Union Boulevard, improving pedestrian safety across Fort Union Boulevard, reducing the excess commercial

developments through the neighborhood, and reducing the parking on Racquet Club Drive. They looked at things the City could do to mitigate these issues and recommended simple striping on Fort Union with signs. More expensive options included a Hawk signal for the crosswalk, signals further down Fort Union Boulevard, and permanent closure of Racquet Club Drive.

Mr. Shipp reported that they created “Do Not Block” areas at all the intersections to encourage motorists on Fort Union Boulevard to leave the space open so that residents can access and exit the neighborhood. He indicated that signs have been ordered and would be installed in these locations. He added that the striping and signs would also give the police officers a basis to move people along. He highlighted the proposed project that would install a hard closure at Racquet Club Drive. He acknowledged that there were issues that would need to be addressed and mentioned emergency access and resident feedback. He expressed concern that if they installed a temporary closure it would not show up on wayfinding systems and would create a double traffic situation wherein vehicles would still attempt to cut through and have to turn around. Google Maps and other wayfinding apps would pick up a permanent hard closure and would stop that traffic cut-through.

Mr. Shipp stated that the hard closure was the next project on the list that would be the least expensive and that would have a big impact on the cut-through traffic and parking. Mayor Weichers advised that a resident suggested this solution.

Council Member Bracken observed that the hard closure might reduce the cut-through traffic but it would not reduce traffic on Fort Union Boulevard and the neighborhood because motorists would just go in a different direction. He referenced two studies on closures in Cottonwood Heights.

Mayor Weichers commented that the issue will address snow days when motorists are cutting through the neighborhood. He felt that if they cut off the access for these motorists, they would stay on Fort Union Boulevard. He did not understand how the closure would not reduce traffic in the neighborhood.

Council Member Bracken referenced “speed bump alley” and the closure at Oak Creek Drive and stated that the actual total traffic was reduced by only 12% because most of the traffic was local.

Council Member Birrell commented that this situation is different because of the movement of the residents in this location. She felt that a way to improve the efficacy of the 20 snow days could be some type of temporary sign that indicated “No Through Traffic.” Her concern about the closure was that it would not appear on the wayfinding apps and could create additional issues. Mr. Shipp reiterated that it would need to be a permanent closure to show up on the wayfinding apps. He added that another complaint from the residents was that because the parking is so poor for the businesses in the area, the commercial patrons park on their street. He felt that the closure would force people to start using the parking garage.

Council Member Bracken reported that he has three hard sets of data that state that closures do not work the way people expect they will work. He would not mind a “No Through Traffic” sign, but the reality is they would be closing a public street. Mr. Shipp remarked that closing a street was

just a change in road design. Council Member Bracken observed that this change in road design goes against connectivity.

Mayor Weichers requested input to determine if the Council could reach a consensus on this issue. He stated he would be in favor of this closure and he noted that Council Member Bracken would not be in favor.

Council Member Birrell would be in favor of the closure if it allowed pedestrians and cyclists to be able to get through the closure. She stressed her belief that there would not be that many who would have a problem changing their pattern to take another route through the neighborhood.

Council Member Bracken stated that La Cresta Drive is an example of why a closure would work against the overall good, as that closure moved traffic to Rolling Knolls, which as a result experienced increased traffic. He also questioned the actual increase in the number of vehicles that would use the road on a snow day and stated that it would not take it past capacity. He would be in favor of traffic counts so they have this information and felt that an addition of 20 to 30 cars was not a significant problem for a public street that can handle 6,000 to 8,000 cars a day.

Council Member Newell highlighted the residents and felt that closure was a good idea because of the parking issues. He worried about future development being an issue in that area.

Council Member Petersen observed that this was not the only cut-through area and they know that the east side of Wasatch Boulevard has been a perennial problem because Google Maps will direct motorists to a parallel road to navigate around the stopped area. He felt it came down to the congestion on those few serious snow days, and noted that when it gets bad, it's horrendously bad.

With regard to La Cresta Drive, he noted there was a lot more local traffic than expected. He saw the points on both sides and without a hard closure, Google Maps would take motorists through the area.

Mayor Weichers asked Mr. Shipp to comment on a temporary versus permanent enclosure. Mr. Shipp stated they could install Jersey walls as a temporary measure; however, his concern was doing something to solve an issue that is particular to this neighborhood. He receives calls from the residents that cannot back out of their driveways because they are blocked in. He expressed concerns that a temporary closure during the winter would not appear on the apps and would create double traffic in the neighborhood. Whether people would adhere to a "No Through Traffic" sign is unknown, and temporary signs would be problematic in terms of staffing, costs, and other issues. He stated that Staff would support either direction.

Mayor Weichers identified two issues, the first of which was using the neighborhoods to get to Little Cottonwood. The second issue was delivery trucks for the businesses getting lost at Racquet Club Circle and having to turn around. He felt that closing Racquet Club Drive would stop the commercial traffic. Council Member Bracken disagreed and stated that someone who was lost could still reach the closure and turn around. He stressed that they do not have an idea of the magnitude of the problem and suggested taking traffic counts to quantify the problem. He agreed

with Mr. Shipp that trying to do something now would likely create more problems if the issue is as reported.

Council Member Newell saw the opportunity for flexibility and suggested temporary barriers to see how it worked this winter. They could then get resident feedback and data before making a decision after the season. Mayor Weichers stated that the Council would provide its direction in the coming days. Council Member Birrell appreciated that this issue was discussed today because it is a timely issue and the residents would like relief this winter.

6. REVIEW OF CALENDARS AND UPCOMING EVENTS.

- a. **Light the Heights will be held on November 28 from 6:00 p.m. through 9:00 p.m. at City Hall.**
- b. **Future Planning Commission Meetings will be held November 2 starting at 5:00 p.m. unless otherwise noticed.**
- c. **The Last Planning Commission Meeting of 2022 will be held on November 2, Starting at 5:00 p.m. unless otherwise noticed.**

7. 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.

8. ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Birrell moved to ADJOURN the City Council Work Session. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:39 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, NOVEMBER 1, 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 Jorges, 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 Council Member Scott Bracken.

3.0 CITIZEN COMMENTS

Jeff Chatelain referenced the Work Session discussion regarding Racquet Club Drive and the adjoining Apple Valley Subdivision and felt that many of his neighbors have given up attending these meetings. When the Planning Commission denied the application for the apartments at Canyon Centre, it was quickly overturned. He noted that this made their entire subdivision feel inadequate and unrepresented. He felt that the Planning Commission was doing a good job in denying the expansion of a property that should never have been approved in the Mixed Use (“MU”) Zone. Mr. Chatelain stated that MU Zoning talks specifically about maintaining the residential neighborhoods that could adjoin an MU Zone property or project. He mentioned that many on Racquet Club Drive expressed that they could not leave their neighborhood on a snow day. The canyons were closed and it was like a carnival atmosphere. He commented that many feel they could not get out of their neighborhood in an emergency and the safety and well-being of residents were jeopardized. The neighbors feel that development and the 200+ residents would create a problem in the adjoining residential neighborhood. He mentioned that the developer had a beautiful rendering of a bermed road that ran adjacent to the curb of Canyon Centre Parkway, and that would be supplied as an option to keep the residential neighborhood. Mr. Chatelain stated that has lived in this neighborhood for 17 years and wanted to share this information with the Council.

Nathaniel Smith requested that the ordinance pertaining to the keeping of chickens be amended. He and his family purchased some chickens at the beginning of 2021 after being granted permission from their landlord. Their desire was to teach their four young boys where food comes

from and the work and care involved in the endeavor of food production. He advised that his children enjoy feeding the chickens, taking care of them, and collecting the eggs. His children understand that the eggs they receive are directly related to the work they put into the care of the chickens and the eggs taste better for it. He added that they enjoy sharing the abundance of eggs with the neighbors as a way to bless them and teach their children generosity. At the beginning of August 2022, some of their chickens got into a neighbor's yard as they grazed, which triggered a visit from Officer Sal from Cottonwood Heights Animal Control. He stated that at this time they were made aware that they required a permit to maintain chickens.

Mr. Smith advised that he has been in ongoing discussions with the Animal Control Officer, as well as Council Member Petersen about a resolution. On October 25, 2022, Mr. Smith was issued an official citation during a site visit with Officer Sal, and at this point, they identified a spot on the property that would meet all the requirements set forth in the ordinance. He stated that he was told he would need to speak with someone to begin the permit application process. He reported that when he called the City, he was told to speak with "Terri" who was not working that day. He then went to City Hall to speak with "Terri" who informed him that Officer Sal had the permit applications and he would start the process.

Mr. Smith stated that he then walked to the Police Department to speak with Officer Sal, who informed him that he was mistaken and that the property met the requirements. Officer Sal indicated that the property does not meet the requirements because the residence is part of a duplex as opposed to a detached single-family dwelling. Officer Sal also informed him that although he met all the aspects of the ordinance, he would not be issued a permit because of the type of residence.

Mr. Smith requested that the City Council amend the language to remove the requirement of a single-family detached residence. He commented that based on discussions, some on the Council might be hesitant to amend the language because of a lack of clarity on his part. He clarified that he was not seeking a change to the spacing requirements and noted that the ordinance presently states that the coop shall be located 40 feet from all dwellings on all adjoining properties and at least three feet from the property line. He stressed that the area pointed out to Officer Sal met those requirements and all others set forth in the ordinance. He noted that other duplexes around his could also meet the requirements which caused him to question how many other families were prohibited from having chickens due to the language in the ordinance. He felt that the language was discriminatory and classist. He does not currently have the means to own a single-family detached home and while he understood that it is difficult to draft an ordinance that addressed all potential scenarios, a variance process might be an alternative solution. Mr. Smith stressed that he was not seeking any special treatment; rather, he was looking to correct a wrong he saw in the Code and give others the freedom to raise and enjoy chickens as his family has for the last year and a half.

There were no further comments. Mayor Weichers closed the Citizen Comment period.

4.0 ACTION ITEMS

4.1 Consideration of Ordinance 388 Approving an Amendment to the 2022- 2023 Budget.

Mayor Weichers indicated that the Council discussed the details of this item in the Work Session and invited any additional comments or questions from the Council. Council Member Bracken expressed appreciation to Messrs. Jorges and Tingey for their work on the budget. Mayor Weichers echoed the comment.

MOTION: Council Member Bracken moved to APPROVE Ordinance 388 – Approving an Amendment to the 2022- 2023 Budget. 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.

4.2 Consideration of Resolution 2022-56 Approving the Mid-Valley Active Transportation Plan.

Mayor Weichers reported that the Council discussed the details of this item during the Work Session and invited any additional comments or questions from the Council.

Council Member Birrell commented that she was looking forward to seeing a regionalized plan as described in the Mid-Valley Active Transportation Plan. She also looked forward to seeing the City’s other Plans align and support this Plan and get neighborhood bypass routes that would bring safe routes for residents to move throughout the City and connect to other arterials that take them outside the City. She supported focusing on this Plan going forward and making it practical and viable as soon as possible.

MOTION: Council Member Petersen moved to APPROVE Resolution 2022-56 – Approving the Mid-Valley Active Transportation Plan. 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.

4.3 Consideration of Resolution 2022-57 Approving an Appointment to the Arts Council.

Mayor Weichers reported that the Council discussed the details of this item during the Work Session and invited any additional comments or questions from the Council.

MOTION: Council Member Newell moved to APPROVE Resolution 2022-57 – Approving an Appointment to the Arts Council. 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.

4.4 Consideration of Resolution 2022-58 Approving an Appointment to the Historic Committee.

Mayor Weichers reported that the Council discussed the details of this item in the Work Session and invited any additional comments or questions from the Council.

MOTION: Council Member Birrell moved to APPROVE Resolution 2022-58 – Approving an Appointment to the Historic Committee. The motion was seconded by Council Member Newell. 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.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Work Session and Business Meeting Minutes of October 18, 2022.

MOTION: Council Member Newell moved to APPROVE the Consent Calendar. 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.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The City Council Meeting adjourned at 7:14 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 held Tuesday, November 1, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: December 6, 2022