

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, NOVEMBER 15, 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.

The meeting would begin with a presentation from Brooksee who would present a check to the Recreation Center. Two Legislative Action items were scheduled. The first was consideration of Resolution 2022-59 – Entering into an Agreement with Salt Lake County for Tier II ZAP Funding. Records, Culture, and Human Resources Director, Paula Melgar, reported that each year they apply for the grant, and this year they were awarded \$15,000, which was the largest amount they had received so far. The grant helps the City fund several Arts Council activities such as the musical, venue rentals, and advertisements. They received a matching grant and the Arts Council had the funds available.

The next matter involved approval of Resolution 2022-60 - Declaring Certain Property Surplus. Administrative Services Director, Scott Jurges, reported that there was a total of seven vehicles, two of which were police vehicles. One of the two police vehicles had 50,000 miles and the other had 83,000 miles. They were primarily used as administrative services vehicles or for cold investigations as they were not easily recognizable as police vehicles. Both were getting older. The five other vehicles were in the Public Works Department and were leases. The proposal was to sell the vehicles, which included a 2021 Ford F150, a 2014 Ford F150, a 2020 Ford F150, a 2012 Ford F150, and a 2013 Ford F150. Two were slightly newer and several were older. Two had over 100,000 miles but the market was such that it might be possible to make a profit from selling them. There were no plans to repurpose the money, which would go back into the General Fund. The vehicles would be ready for disposal within the next month. The process of selling vehicles was described.

Approval of the minutes would be postponed to the next meeting.

### **3. UTAH STATE UNIVERSITY WELLNESS SURVEY PRESENTATION – Dr. Courtney Flint.**

Dr. Courtney Flint from Utah State University was present to share the results of a wellness survey. It was noted that Utah State University conducted the survey in multiple municipalities. Dr. Flint introduced herself and was pleased to have Cottonwood Heights as a partner on the project. Cottonwood Heights, as well as 33 other cities, was part of the Utah Wellbeing Project. There were three main project goals, which were as follows:

- To provide Utah city leaders with information about the well-being and perspectives of residents; To inform planning processes and decision-making;
- To support comparative research on well-being; and
- To bridge efforts with the Utah Department of Health, Get Healthy Utah, Utah Department of Transportation (“UDOT”), and the Huntsman Cancer Institute.

All of the reports for 2022 were available online. The Cottonwood Heights report could be accessed on the Utah State University website. There was also a summary list of the Salt Lake County cities that had participated in 2022 and a state-wide report. Dr. Flint explained that the survey was conducted online through Qualtrics. It was a no-cost partnership with Cottonwood Heights, but Utah State University asked city partners to take care of the advertising and recruitment for the survey. This was because cities know how to best reach their residents. Additionally, the university team did not have the budget to support that kind of outreach.

There were 227 surveys completed for Cottonwood Heights in 2022. Several demographic questions were raised. Dr. Flint reported that mostly full-time residents answered the survey. The average length of residence was 16.8 years and 21.6% of respondents have lived in Cottonwood Heights for five years or less. She pointed out that the survey results underrepresented a few categories, including males, those without college degrees, unmarried people, those who rent, those who are unemployed, those without children, and those in the youngest adult age group. However, that underrepresentation was common across online surveys.

Dr. Flint overviewed the results of the survey. Personal well-being in Cottonwood Heights was above average based on the cities involved in the project as well as in established mid-size cities. 84% chose either four or five on a five-point scale. As for community well-being, the numbers dropped slightly, with 62% choosing a four or a five on a five-point scale. This was still slightly above average. Dr. Flint discussed the specific categories of well-being. Participants were asked to rate their well-being in 10 different areas and specify how important those areas were. She shared the average scores for the 10 categories. The highest-rated domains were physical health, mental health, living standards, connection with nature, education, and leisure time. The most important domains were physical health, mental health, safety and security, and local environmental quality.

Dr. Flint stated that there was a red zone. Those were categories that were on the more important side for respondents but were rated slightly lower than average. For Cottonwood Heights, this included local environmental quality. Demographics made a difference to some extent. Age also made a difference. The older population groups tended to rate cultural opportunities, leisure time, and mental health higher than other groups. Religion and income could also make a difference.

There were questions regarding perceived community action. For instance, to what degree do people act together in response to local problems and opportunities. Cottonwood Heights was on the lower end of the spectrum but somewhat comparable to larger and more urban communities. There was also a question regarding how connected respondents feel to Cottonwood Heights as a community. The scores were mostly in the middle range. Community connection was a very influential variable. It was strongly correlated with overall personal well-being as well as the other well-being categories. The Utah State University website included some well-being resources.

Dr. Flint noted that there was a question about participation in recreation and nature-based activities. Many respondents enjoyed wildlife, birds, gardening, recreating in parks, and non-motorized recreation. Approximately half of the respondents had participated in City recreation programs. Recreation programs were influential in building a sense of community connection. Another question related to the role that different landscape features played. Natural landscapes were positive for overall well-being, with most people enjoying the natural amenities. Built landscapes, which came with development, saw more negative perceptions in terms of well-being.

There were questions related to population growth perceptions. One question was: “How would you describe the current rate of population growth in Cottonwood Heights?” 60% felt the population growth was too fast and 30% felt it was an appropriate level of growth. In terms of the current pace of economic development, the group was split between too fast and just right. A series of questions were posed regarding concerns for the future of Cottonwood Heights. Air quality and water supply topped that list. Other issues included affordable housing, climate change, roads and transportation, public safety, recreation opportunities, access to public land, opportunities for youth, and access to quality food. The majority of respondents were concerned.

The survey asked people what they value about living and working in Cottonwood Heights. Respondents liked the location, the social climate, the friendliness, the sense of community, access to nature, the natural beauty of the area, the sense of safety, and the peace and quiet. All of the open comments had been shared with the City. Dr. Flint noted that a lot of additional comments were shared by respondents. People took the time to share their opinions in several different areas.

Dr. Flint reported that the next survey effort would be in early 2024. Cottonwood Heights could participate again to see how the results changed over time. She explained that the survey would take a break in 2023 to avoid overburdening residents and to work more with the existing data. In addition, there needed to be time to fundraise. Utah State University had been running the project on approximately \$15,000 per year, but it was not sufficient as the number of participating cities grew. Dr. Flint hoped Cottonwood Heights would participate again in 2024. Mayor Weichers appreciated the work and looked forward to participating further in the future.

**4. COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA – Executive Director, Ben Hill.**

Cottonwood Heights Parks and Recreation Service Area Executive Director, Ben Hill, was pleased to address the Council. Their mission statement was “To provide exceptional facilities, parks, and services that are critical to the health and lifestyles of our community.” Mr. Hill stated that during

the pandemic they learned how important parks and recreation were to mental health. The four values they lived by were identified. He stressed that partnerships were very important to them in that they worked with the County, the City, the School District, and other entities.

Mr. Hill stated that there was a National Recreation and Park Association. As a service area and local district, they were graded by the Salt Lake County Board of Commissioners in 1967. The creation of the special service district was driven by the residents who reside in the unincorporated County. Those residents desired more dedicated parks and recreational programs and services. Over the last 55 years, the service area had grown into a state-renowned parks and recreation agency, providing excellent parks and recreation facilities, programs, and services that improved the health and lifestyles of the community.

Since the City of Cottonwood Heights was incorporated in 2005, the Parks and Recreation District and the City had partnered and collaborated to provide greater opportunities for parks, recreation, and community events in their common geographical boundaries. A great deal of work had been done by the two committees they shared a part in, consisting of CH2 and the Cottonwood Heights Parks, Trails, and Open Space Committees. Mr. Hill explained that the Parks and Recreation District is an independent political subdivision of the State of Utah. They are governed by an elected Board of Trustees, all of whom were present at the Work Session.

Mr. Hill reported that the 2022 annual budget was set at just over \$5 million. There were 25 full-time employees in 2022. For next year, it was proposed that there be a 26<sup>th</sup> full-time employee who would serve as the Park Supervisor. He noted that they had difficulty with part-time employees and hoped to benefit the department by adding a full-time employee. The number of part-time employees could range from 180 to 320 depending on the season. The City boundaries and the Parks and Recreation Service Area were both identified on a map displayed. The districts of the trustees and the areas they represented were also shown.

Mr. Hill reviewed property tax history and stated that as a special district, the Board of Trustees has taxing authority over property taxes and/or bonds. Over the past 55 years, the Parks and Recreation District has only increased the property tax rate five times. They currently derive 47% of their operating budget from property taxes. The remaining 53% came from user fees and charges. The national average was 60 to 65% generated from property taxes. As an organization, they were doing extremely well compared to the national average. The 2022 Certified Tax Rate was .000583, which was 42% of their authorized legal tax rate. A graph was shown of the property tax rate history going back to 1986, where they were just above 70% of their authorized tax rate. They stayed there consistently until 1995 at which point it dipped. Taxes were not increased until 2007. In the meantime, they lost the opportunity for the revenue that would have been generated from property taxes. When the market crashed and property values went down, the rate went up. In 2014 there was a tax increase and a drop off in 2018. The last increase was in 2019.

Mr. Hill reported that the residents of the Parks and Recreation District approved mutual bonds over the years. The bond history was presented to the Council. During the gap when they did not have property taxes, it was substituted with bonds. The last \$4.9 million bond in 2010 was fully paid off in 2021. This year, residents received a decrease in property taxes. It was noted that a property tax increase was proposed for 2023 in the amount of \$635,000. The market value of the average home

in the district is \$678,500 with the taxable value being 55%. At the current rate, \$217 was being paid. With the proposed increase, the rate would increase to .000747. This was an average of \$61 per year or just over \$5 per month.

A public hearing was scheduled on the proposed tax increase on December 14, 2022, at 6:00 p.m. Mr. Hill stated that citizens are used to paying 85% of the tax rate allowance, so with the increase proposed for next year, they are still well below what the residents were used to paying, and even lower than they were in 2019. They did not feel that they could go much higher. Mr. Hill addressed where the \$635,000 tax increase would be allocated. 40% would go to capital projects, 33% to administrative costs including the addition of the full-time park employee, and a 7% increase for staff to keep up with inflation. Mr. Hill stressed the importance of employee retention. 22% would be utilities since their gas bill had increased by \$125,000. 5% would go toward repairs and maintenance. The Recreation Center was a 160,000-square-foot building that was open more than 100 hours every week with an ice arena, pools, hot tubs, saunas, and locker rooms. This was one of the best recreation centers in the state as it has everything in one location. 32,000 residents were supporting the Recreation Center in the form of property taxes. The service area also had several parks and they helped maintain City parks through an Interlocal Agreement.

Every year, the staff prepares a Capital Request List identifying the needs they had. This included \$1.6 million worth of projects. The Capital Master Plan included \$23 million worth of capital needs. The recommendations put forward to the Board accounted for \$418,000 of the \$1.6 million. \$40,000 was committed to being added to the \$60,000 offered by the City to light all six pickleball courts. The hope was to have the lights installed by the spring. It was proposed that the first three pickleball courts that were built be resurfaced at a cost of \$20,000. In a few years, the others would need to be done as well. The scoreboard for the ice arena was also recommended.

With respect to parks, a Master Plan was created for Antczak Park in 2019. This was very helpful in getting the tennis courts, which were expected to open later in the week. The work done was described and a rendering of what was proposed at Bywater Park was shared. Mr. Hill explained that they had entered into an Interlocal Agreement with the City that maintained landscaping, parks, trails, and streetscapes. Mill Hollow was also getting a playground. The cost of each of the parks was estimated at \$614,000, which included a swing set at Bywater Park to replace the volleyball pit. They were expecting to receive just under \$430,000 from Salt Lake County funding, which was their 20% contribution. The City would contribute 10% of the match for the Mill Hollow playground. They had a great partnership with Salt Lake County based on other grants that had been done in the past. He noted that half of the Recreation Center sat on Salt Lake County property that they leased for \$1. They also had a partnership with the Canyons School District where they could use their fields after school hours and they leased the pool from the district.

Mr. Hill reported that the name of the Cottonwood Heights Recreation Center Foundation was changed to the Cottonwood Heights Parks and Recreation Foundation. The foundation was meant to benefit Cottonwood Heights and the service area. It would also help those who could not afford to participate in recreational activities and enhance public access to recreation. He expressed appreciation to the City for the partnership they had on behalf of the trustees.

Mayor Weichers thanked Mr. Hill for what he and the trustees had done. Council Member Petersen asked about those who lived in the district and those that did not. He asked if they had looked at the percentage of taxes that those in the district paid versus those who were outside the area. Mr. Hill stated that in 2019, there was a tax increase. In 2020, they looked heavily at their fees to ensure that there was a balance. They did not want to raise fees and property taxes in the same year. Next year, they were committed to looking at fees again. They based the membership of non-residents on the property taxes being paid. If the average was \$300, the non-resident member should pay an additional \$300 per membership. Currently, they did it by percentage so they paid 50% more than the resident rate. Mr. Hill explained that their biggest revenue funding for fees came from memberships and it was about \$755,000 this year. The next largest were user fees, which were not tracked. About 82% of those individuals were residents.

Council Member Birrell commended Mr. Hill and his staff for what they provided during the COVID-19 pandemic. She and many others were appreciative that they continued to adapt to make things as safe as possible. Those efforts were noticed by many in the community. Council Member Birrell discussed issues related to the reservation system. For instance, not being permitted into a yoga class until five minutes after it started due to high numbers of online reservations that resulted in no-shows. She suggested that the system be tweaked slightly.

Mayor Weichers asked about County participation. There were multiple County-owned recreation centers that residents of Cottonwood Heights paid for. The City was essentially subsidizing all of the Parks and Recreation Centers around the County. Mr. Hill believed the best way to address those concerns was to put pressure on the County. The residents deserved the Parks and Recreation taxes to be used in Cottonwood Heights. He noted that Old Mill Park and Crestwood Park were still owned by the County. Those parks should be prioritized and there should be support for CH2 and the Parks, Trails, and Open Space Committee whenever there were grant requests. Mayor Weichers wondered if there was a certain share of operating costs that could be requested. Mr. Hill explained that this had been requested in the past, but County resources were an issue. The County had a lot to deal with and many parks to handle.

Council Member Petersen asked about Zoo, Arts, and Park (“ZAP”) funding. Mr. Hill explained that the ZAP process took place every 10 years. In 2025, it would be possible to apply for projects. Council Member Petersen discussed Crestwood Park. Mr. Hill identified the boundaries of the service area on a map. The boundaries went right over Crestwood Park. As a result, the pool and tennis courts were not in the service area boundary but were within the City boundaries. The residents that wanted the pool open were not paying the property tax. This created difficulty in terms of Parks and Recreation District assistance as annexation of that neighborhood would be needed. Alternatively, there could be continued pressure placed on the County.

Mayor Weichers asked about statistics for the use of the facility. For instance, how many people visit per day and what was being used. Mr. Hill reported that summer visitation was high. The next time he visited the Council, he would bring numbers for the entire year. This was the budget season and a few additional months were needed to determine the 2022 numbers. Unlike previous years, there were times in 2022 when there was not enough staff to safely open the pool. Even with those challenges, the revenue goal for the outdoor pool was met. Memberships were also above goal. He felt that people were participating more.

Council Member Birrell explained that the City was currently working on the General Plan update. Additionally, the Council was looking at the Fort Union Boulevard area as a potential City Center. Many of her constituents were interested in a Senior Center. She noted that the Cottonwood Heights Recreation Center has the Silver Sneakers program and other activities for seniors. She asked how the City could think about innovatively accommodating seniors. Mr. Hill explained that this was a priority of the trustees. The senior membership rates were lower. Additionally, pressure was placed on the County. The County has Aging Services that everyone pays taxes for. He reported that recently, a program was developed with the County and their Aging Services came into the building to run a nutritional walking class. That kind of work would continue.

Council Member Bracken asked if the information presented to the Council was included in the tentative budget. Mr. Hill confirmed this. He stated that the Tentative Budget was published on November 9, 2022. There would be a Board Meeting on November 16, 2022, to pass the proposed budget. Once that happens, there will be a public hearing on December 14, 2022, about the Truth in Taxation and the proposed budget. On December 21, 2022, there would be another Board Meeting, where the Board would consider the public hearing and make a decision. The Truth in Taxation was for 2023. It would be budgeted starting in January. Council Member Bracken asked that Mr. Hill share usage statistics with the Council in the future.

## 5. **STAFF REPORTS.**

### a. **Public Safety Advisory Committee Discussion – City Manager, Tim Tingey, and Chief Robby Russo.**

Cottonwood Heights Police Chief, Robby Russo shared information with the Council. He discussed diversity and explained that there is diversity in the Cottonwood Heights Police Department. Approximately 32% of officers are in a minority class. The goal was always to hire the best candidates for the jobs and that resulted in a diverse group. He reported that there had been discussions with City Manager, Tim Tingey about a few issues, including body cameras. Last year, the Cottonwood Heights Police Department approached the Council about a potential system upgrade. Initially, the officers were apprehensive about using body cameras but are now sold on them. Officers will not leave without them. When someone calls in a complaint about an officer, the body camera footage can be viewed. The complainant could come in and watch the camera footage for additional perspective. Officers also tend to be more mindful of their actions when the body cameras are on.

Chief Russo explained that there is a new system in place. When the overhead lights are turned on, the body camera goes on automatically. When the taser is removed from the holster, the body camera comes on automatically as well. There are indicators in the holster so there is always a recording of the event. In addition, complaints related to routine events are audited and reviewed. Checking the videos makes it possible to assess the progress of an officer. Interactions are reviewed to make sure that officers conducted themselves properly. If correction or additional training is needed, it would be possible to determine that based on the recorded footage.

De-escalation was something that had been discussed a lot recently. There was training related to de-escalation within the Cottonwood Heights Police Department. The State requires 40 hours of in-

service training each year but officers do three to four times that. Cottonwood Heights far exceeds the requirements. Chief Russo explained that officers are trained in de-escalation techniques. A Licensed Clinical Social Worker was also hired and had been effective. There are only three agencies in the State that have it including Salt Lake City, West Valley, and Cottonwood Heights. The social worker is a full-time employee of West Valley City, but Cottonwood Heights provided funds for those services on a part-time basis. Everyone in the department sees the social worker at least twice a year. She also works with officers as needed. This creates an additional focus on wellness. Chief Russo was proud that Cottonwood Heights was progressive in this field. He felt that the social worker was invaluable.

Chief Russo discussed chokeholds and stated that it is not taught in Cottonwood Heights. The only time something like that would be appropriate is if there is justification for using a firearm. If there was a fight for survival, the officer can use whatever means necessary to preserve their life. As a means of controlling an individual, the chokehold is not taught and is considered off the table. The chokehold had been standard practice in the past but that was no longer the case.

As for the drug testing policy, a random drug testing policy was in place. Human Resources sends out drug testing randomly each month. Those who are in a heightened job assignment, such as narcotics or the evidence room, go through the testing process more often. When there is a reportable accident or similar, it is a policy that there be a drug test. Chief Russo explained that the intention was to protect the officers and the City. A drug test following a reportable accident eliminates any questions about whether the officer was impaired. There was also probable cause testing, where out-of-ordinary behaviors could trigger a test.

Chief Russo shared information about discipline. If there is an issue with an employee, progressive discipline is used. The intention was to correct the behavior and invest in the employee. However, in some instances, the behavior was unacceptable and termination is required. There is no tolerance for lying or criminal activity. Chief Russo discussed the retention efforts. He explained that the Council solved that issue by increasing the Police Department wages. The Cottonwood Heights Police Department is a good place to work and the wages are competitive. The equipment and working conditions are also solid.

There are certain expectations for officers. Chief Russo reported that officers wear a lot of hats and need to be there for the community in a variety of ways. For instance, the Police Department established a relationship with the Autism Council. They also host barbecues as a way to interact with the community. Having officers interact with different groups of people is important because it lays the groundwork for positive interactions in the future. There are a lot of things that the Police Department does in the community.

In 2019, the Legislature, through House Bill (“H.B.”) 415, prohibited the appointment of any civilian boards that would direct the authority of the Chief. Some agencies have Advisory Boards, which are permitted. For example, Murray has an Advisory Board that discusses both police and fire. Certain models could be considered for Cottonwood Heights. Chief Russo felt it would be appropriate for an Advisory Board to discuss policies and share suggestions but it would not be appropriate for an Advisory Board to discuss a specific case or review video footage.



Council Member Newell appreciated the information shared by Chief Russo. He was also grateful for the training being done within the Cottonwood Heights Police Department. He thought an Advisory Committee would be a good way to discuss information that could be shared with the community. It would add to transparency and illuminate the work being done by the department. There was a lot of misunderstanding in terms of law enforcement. Sharing general information and creating opportunities for discussion through an Advisory Committee could address the issue. Mayor Weichers wondered what an advisory board or committee would ideally accomplish. Council Member Newell felt that the end goal was transparency and a stronger relationship between the community, Police Department, and Fire Department. Anyone that takes part in the board or committee would need to be carefully vetted as there would be certain parameters and responsibilities. For instance, messaging would be extremely important.

Council Member Bracken believed that an Advisory Board could be a conduit for information. Council Member Newell felt it was important for residents to understand the amount of work that goes into the Police Department roles. Continuous learning about what was being done would be beneficial for all residents. Council Member Birrell agreed and stated that it was only possible for someone to appreciate what they understood. She agreed with Council Member Newell that there should be a committee, rather than a board, related to public safety. This type of committee would allow people from Cottonwood Heights to sit with a designated representative and have discussions. Ultimately, it would increase community engagement and improve communication.

Mayor Weichers explained that a Public Safety Advisory Committee was discussed by the previous City Council. Though the previous Council had discussed the matter, nothing was approved at that time. He wondered if the Council was interested in moving the item forward. Mayor Weichers was not opposed to the idea of an Advisory Board or Committee, but he felt it was important that it be formed thoughtfully. Council Member Bracken liked the idea of a committee that could share information and creates a dialogue. However, he wanted to see it done in conjunction with other things that are already being done, like Neighborhood Watch. Council Member Newell believed that collaboration was necessary.

Council Member Petersen did not like the name “Advisory Committee,” because no one would be advising the police about how to do their job. The committee should support, understand, and disseminate information. The only way that he would support the committee was if it was vetted appropriately. Mayor Weichers asked that Staff prepare a framework. Council Member Birrell wanted to make sure that people can voice concerns civilly. She wanted to see a diverse committee. It was determined that Staff would present additional information and a proposed framework in the future. There could then be further discussions at a Council level. Council Members believed that the name should be the Public Safety Committee.

**b. Project Priorities Discussion (continued) – City Manager, Tim Tingey.**

Public Works Director, Matt Shipp shared information about project priorities. He reported that Mr. Tingey was participating in the meeting online but was under the weather. As a result, he would lead the continued discussion. He shared information about traffic calming. Two or three times per month, there are calls related to traffic calming measures in the City. Speed studies are conducted, but often it is a perception issue rather than an actual safety issue. There are other occasions where an issue is

identified and needs to be addressed. Mr. Shipp pointed out that there were budget restrictions. There had been a lot of conversations at a Council level about slowing down traffic and some priority areas. It was proposed that during the Retreat, the Council further discuss traffic calming. The idea was to look at the City as a whole, create priorities, and determine what traffic calming measures would be best.

Council Member Bracken pointed out that there had been a traffic calming budget in the past, but it was intended to address speed studies. The suggestion was to do something bigger. Mr. Shipp explained that there were traffic calming measures that could be of assistance. He reported that there had been speed studies conducted on Danish Road and the police had been out there on numerous occasions. That item would be brought back to the Council for further discussion, but there would likely need to be more to the solution than speed bumps.

There was a meeting with the Principal of Brighton High School, Tom Sherwood, to discuss the pedestrian crossing to the west at Butler Hills Drive. This was across from the high school near the bus exit. Mayor Weichers reported that there is a vulnerability in the crosswalk. The week or two before Daylight Savings Time, the crosswalk was completely dark in the morning and there was no lighting in place. Some scary incidents took place there. He previously expressed concerns about speeding vehicles coming up Bengal Boulevard toward the school. As a result, he proposed a bulb out but that did not appear to be feasible in that crosswalk section. It was necessary to slow traffic down.

There had been discussions with the County about temporary lighting in the crosswalk area. Mr. Shipp explained that a temporary construction light could be placed there in the morning. The area also functions as a crosswalk in the evening but there is no City Staff available to start, shut down, and move the light as needed. Mayor Weichers wondered if it could run 24/7. Mr. Shipp stated that it could as long as it continues to be fueled. However, he would prefer that it be shut off when not in use. The light could be on school property toward the sidewalk. He pointed to the potential location on a map of the area. Due to the brightness of the light, there may be phone calls from nearby residents if the light remains on 24/7.

Mayor Weichers asked if there was anything that could be done to the west to slow traffic. Council Member Birrell noted that something like intermittent islands could act as a visual reminder that drivers need to slow down. Slower speeds could reduce the impact of an accident. Around schools, it is especially important to slow down vehicles. Mayor Weichers asked about a bulb out at the first entrance. Mr. Shipp noted that there were other uses of the road beyond regular vehicle traffic. If the road is pushed out too far, that could cause problems for bicyclists.

Council Member Bracken believed that in terms of the eastbound traffic, some solutions could be explored. He considered a protected bicycle lane, which would make the merge more visible. The Rectangular Rapid Flash Beacon (“RRFB”) could also be worthwhile. He felt there should be RRFBs at every school crosswalk in the City. Another way to address the issue was through communication. An announcement to students walking and driving would be beneficial as well. Temporary lighting would work short-term to address daylight saving time. The Council discussed RRFBs. It was noted that the RRFBs exist in the crosswalk area already and are activated with a push button. Most students

pushed the button, but some do not, and some drivers do not pay attention. In those instances, there are user conflicts.

Council Member Petersen believed that 70% of the issues were related to eastbound traffic. Council Member Birrell noted that vehicles come from Highland Drive as well. Coming from a major arterial often resulted in higher speeds. Mayor Weichers stated that there need to be solutions to encourage drivers to visually slow down before approaching the crosswalk. Council Member Bracken pointed out that Traffic Engineers could look into possible solutions and configurations. Mr. Shipp reported that the City was working with the school on the bus pull-out issue. Depending on the time of day, there could be two buses side by side, with one going east and the other going west. When buses move into traffic they block the view of the students. Even though the RRFB is pushed, the flashing light is not visible. Council Member Bracken felt that the school needs to address the issue with the drivers. Mr. Shipp explained that there had been discussions with the school about only allowing right turns there. In that instance, buses could use the roundabout to drive the other way, if needed.

Council Member Petersen reported that it would be the darkest on December 21, 2022. He was concerned about what would be done before then. It was noted that the temporary light could be placed there. Mr. Shipp stated that it would be operated in the morning and shut off in the morning, but there were outstanding concerns about the afternoon and evening hours. Council Member Petersen asked when school lets out for the day. Mayor Weichers noted that students are dismissed at 2:45 p.m. Classes end the Monday before Christmas for Winter Break. Mayor Weichers wondered if the temporary light would be enough for the next several weeks. Mr. Shipp reported that it would light the area better than a streetlight. Mayor Weichers asked if it would be possible to place a police vehicle in the area for a few weeks. Chief Russo confirmed that it would.

Mr. Shipp pointed out that the intention was to find a permanent solution. He could continue to look into a permanent solution if desired by the Council. Council Member Birrell asked to look at a map of the area. If there were two main entrances to the school, it was important to consider how many students used each of the entrances. Council Member Bracken believed there were a lot more students coming from the east side. Council Member Birrell reported that students would take the most direct path. That would include shortcuts. All paths to the school need to be safe. The Council discussed walkable paths and school entrances.

Mayor Weichers asked that Mr. Shipp continue to look for a permanent solution. Mr. Shipp asked about street lighting. He identified an area on the map and explained that there could realistically be a streetlight placed there. If that was done, traffic calming measures could be explored on the west end. The streetlight would be on the north side. Mr. Shipp explained that the school had offered to have the second light on their property. Council Members liked that suggestion. Mr. Shipp reported that there were some more extreme options to consider as well. For instance, there could be a median down the middle and right-in-right-out-only lanes.

Mr. Shipp asked for further clarification about the streetlights. He wondered if he should come back to the Council with cost estimates or if he should just move forward with the permanent lighting solution. Mayor Weichers was concerned about whether the light would be enough. The temporary light would shine a lot of light in the area, but he wanted to make sure the permanent light can do the same. Mr. Shipp clarified that the permanent light would not be as bright. If there was a streetlight

on each side, the light fan would cover the width of the crosswalk road. Mayor Weichers wanted to have additional discussions about the streetlights. Mr. Shipp explained that the temporary light would be placed for the time being. Additional information about the permanent lights would be brought back to the Council at the next City Council Meeting.

Council Member Bracken felt that additional communication was needed with the school. He asked that City Staff remind the school that buses need to be careful easing into traffic lanes. In addition, it is necessary to focus on student education moving forward. Students need to remember to push the crosswalk buttons and drivers need to be mindful of flashing lights. The Council further discussed lighting and speed in the school area. Council Member Birrell wanted to see what the Wasatch Front Regional Council (“WFRC”) would be willing to do in terms of a traffic calming analysis. Mayor Weichers reiterated the desire to have a police vehicle in the area during the early morning hours until a permanent solution is implemented.

c. **Public Infrastructure District Discussion – City Manager, Tim Tingey, and Community and Economic Development Director, Michael Johnson.**

Mayor Weichers reported that the Public Infrastructure District (“PID”) discussion was taking place due to a request from the gravel pit developer. Community and Economic Development Director, Michael Johnson explained that a Letter of Intent was received from Rockworth Development. Rockworth Development is the developer and owner of the northern gravel pit parcel. It is a 21.56-acre parcel that is owned outright by Rockworth Development and its ownership group. The intention of the discussion was to educate the Council about what a PID was and to provide an overview of the proposal from Rockworth Development.

Mr. Johnson explained that Senate Bill (“S.B.”) 228 in 2019 created PIDs and the Legislation that allowed them. It granted cities and counties in Utah the power to create these districts to finance public infrastructure for new development. PIDs issue debt that is repayable from property taxes or assessments on the property owners within the boundaries of the district. PIDs were local districts and constituted an independent political subdivision. Mr. Johnson stated that a PID is a financing tool with defined boundaries. A PID is qualified to issue bonds to finance public infrastructure improvements. Tax revenues and fees generated within the boundaries of the districts could be used to pay those bonds. He reported that PIDs are approved by cities through a technical Governing Agreement but are separate standalone financing districts.

Some usage scenarios were shared. This included significant vacant land where a community wants to see development but it is not happening due to upfront infrastructure costs. Another scenario was for large-scale development, where the City wants or needs more public amenities and/or the site presented unique circumstances with significant infrastructure costs. Mr. Johnson explained that the latter best applies to this application. In the case of the gravel pit, there are hillside trails, reclamation, and a large water line that need to be engineered around. Additional usage scenarios were reviewed such as significant infrastructure costs, land that is unlikely to be developed without notable financing, or areas where private lending options are more restrictive.

Mr. Johnson shared additional information about PIDs. Debt issued by a PID is not a liability of the creating entity or State. The Council has the authority to authorize the creation of a PID, but there is

no financial liability for the City. The formation of a PID requires 100% consent of property owners within the proposed district boundary. PIDs also have broad power to finance public infrastructure of multiple types, including any improvement that would be owned by a local government. He explained that the extent of the usage of funds would be defined in a City-approved agreement. Approval and usage of PIDs are at the discretion of the local government and it is possible to impose limitations. Mr. Johnson overviewed the process. A governing document would be adopted and generally acts like an Interlocal Agreement. It establishes specific requirements and limitations between the local government and the district. The PID will have an elected board and there could be rules about how the board was formed and appointed. The Governing Agreement could be very specific in terms of the requirements.

Additional property taxes (mill levies) within the PID boundary were established within the governing document. The rates could move with the market but there was a cap at 0.15 tax rate maximum. Rockworth Development was proposing 0.005. Mr. Johnson reported that there are different revenue sources and the mill levy is one of the revenue sources that could be used to pay down the PID bond. Use of the other sources was defined and could be determined and negotiated within the Governing Agreement. The State statute sets the outer limits that are constrained and those that could be further constrained or regulated through the Governing Agreement. The creating entity and property owner would each be represented by legal counsel at the expense of the property owner. The upfront administration costs would not fall on the City.

Mr. Johnson overviewed the steps necessary to create a PID, which were as follows:

- The City could choose to establish a PID policy, which was a process to submit PIDs, identify review committees, and explain documentation for PID approval.
  - Cottonwood Heights did not currently have a PID policy in place. City Staff recommended that a PID policy be established as part of the process.
- The developer would then submit a Letter of Intent. This would include a project overview, the likely debt capacity, and uses of the fund.
  - Rockworth Development had submitted a Letter of Intent to the City.
- Based on a positive recommendation, the developer would submit governing documents. This would set the tax rate, bond term limits, use requirements, and board structure.
- The PID could issue bonds and monetize pledged revenue sources.

The Rockworth Development Letter of Intent only applied to their property. Mr. Johnson explained that the proposal was to use the PID funds for sewer and wastewater improvements on the site, water lines, streets, curbs, and sidewalks, as well as parks, trails, and public common areas. Rockworth Development proposed a maximum mill levy of 5 mills or a 0.005 tax rate. The maximum bonding capacity was proposed to be \$15 million. Based on the Letter of Intent, City Staff recommended that the Council create a PID policy. There was also support for the Council to move forward and create governing documents. He explained that the governing document step would take some time as the details were worked through, but it would be at the expense of the applicant. That step did not represent a commitment or guarantee any approval.

Council Member Birrell believed the PID would create a lot of additional work for City Staff. She wondered what the incentive was for the City. Mayor Weichers explained that the City would benefit

from the property being developed. Mr. Johnson confirmed this. It was an economic development tool that would ensure that public infrastructure was able to develop faster. Mayor Weichers believed the intention was to encourage owners to participate in the costs of infrastructure. Mr. Johnson reported that the creation of the governing documents would be legally intensive, but the costs were borne by the applicant and not by the City. However, it was noted that City Staff would not be compensated by the property owner for their time and effort.

Council Member Birrell raised concerns about expansive parking areas. Mr. Johnson explained that Rockworth Development utilizes shared parking. The parking ratio for each square did not meet the City minimum for typical zoning but the shared parking concept had been implemented on the site. He clarified that parking was not funded by the PID. Council Member Petersen noted that if there are not enough parking spaces, a building could not be constructed. Council Member Birrell asked that the parking ratios be reexamined. Mr. Johnson clarified that mixed-use development is conducive to shared parking because there are uses that will complement one another at different times of the day.

Mayor Weichers was in favor of moving forward with the process. Mr. Johnson reported that if there was consensus among the Council, the previously outlined steps could be followed. City Staff would work to create a City-wide PID policy. There could also be meetings with the property owner to start establishing the Governing Agreement. Those items would come back to the Council for full discussion and review. He noted that the work would be done concurrently.

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

Mr. Johnson reported that the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance update was City-initiated. It was determined that the item would be discussed in the future.

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

- a. **Light the Heights will be held on November 28, 2022, from 6:00 p.m. through 9:00 p.m. at City Hall.**
- b. **Future City Council Meetings will be held on December 6 and 13, 2022 at City Hall Starting at 4:00 p.m. Unless Otherwise Noticed.**

The calendar items were reviewed and discussed.

7. **POSSIBLE 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 that the City Council close the Open Session and move into a Closed Session for the purpose of discussing real estate transactions. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council was in a Closed Meeting from 6:23 to 6:54 p.m.

**8. ADJOURN CITY COUNCIL WORK SESSION.**

**MOTION:** Council Member Bracken moved to ADJOURN the City Council Work Session. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:54 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, NOVEMBER 15, 2022, AT 7:00 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 Jurges, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

**1.0 WELCOME – Mayor Weichers.**

Mayor Mike Weichers called the meeting to order at 7:00 p.m. and welcomed those present.

**2.0 PLEDGE OF ALLEGIANCE.**

The Pledge was led by Council Member Petersen.

**3.0 ACKNOWLEDGMENTS**

**3.1 Presentation by Brooksee – Vice President of Partnerships, Darrell Phippen.**

Vice President of Partnerships for Brooksee, Darrell Phippen, reported that another successful Big Cottonwood Marathon took place on September 11, 2022. The weather was beautiful and it was inspiring to see people complete the half and full marathons. He appreciated the continued support of Cottonwood Heights, which allowed the event to occur within the City limits. Mr. Phippen presented a check to the Cottonwood Heights Parks and Recreation Center Foundation for just over \$3,500. Executive Director, Ben Hill expressed his thanks and recognized the Board of Trustees and Assistant Director, who were also present at the meeting. A photograph was taken.

**4.0 CITY COUNCIL COMMITTEE REPORTS**

**4.1 Committee Reports by Council Member Douglas Petersen.**

Council Member Petersen reported that it had been a busy month for the City Council. He serves on the South Salt Lake Valley Mosquito Abatement District Board. A lot of work goes into each Board and Committee. The intention was to improve the standard of living. He also works with the Business Association and encouraged those present to shop within Cottonwood Heights when possible. The tax dollars will come back to the City, which helps in many ways. Council Member Petersen was grateful for everything that had been done to better the lives of residents. He was also grateful for the Mayor and Council Members for their dedication.



#### **4.2 Committee Reports by Council Member Scott Bracken.**

Council Member Bracken reported that he works with the Youth City Council (“YCC”). The YCC helps with City events and other educational items. They will also be at the Light the Heights events. The new group will start to accept applications in March and April 2023, so interested high school students should look at the website at that time to join.

Council Member Bracken informed those present that there was a recent vehicle accident on I-15. One of the victims serves on a municipal council in the County and him on the Wasatch Front Waste and Recycling Board. The accident victim had not survived. Council Member Bracken sent his condolences to the family.

Council Member Bracken works with CH2. He felt that partnership was critical for there to be collaboration and cooperation. Council Member Bracken expressed appreciation for the Brooksee donation given to the Cottonwood Heights Parks and Recreation Center Foundation, which allows residents to participate in activities at the Recreation Center.

#### **4.3 Committee Reports by Council Member Shawn E. Newell.**

Council Member Newell reported that he participates in the Arts Council. The Light the Heights event was to take place on November 28, 2022, and he asked those present to join in for that event. He also suggested that others consider joining the Arts Council. The Council was looking for volunteers to continue to cultivate the arts culture in the City. The Council was looking to bring more cultural events to the City and was also interested in more engagement.

Council Member Newell also participates on the Legislative Committee. A lot of work was being done through the Utah League of Cities and Towns (“ULCT”). Some of that work was related to housing, which is a significant issue for every community in the State. Water issues are also important. However, another issue was the mental health, security, and safety of first responders. That was something important to Cottonwood Heights but also to other municipalities.

The Emergency Preparedness Committee met the previous week regarding cooking. For instance, what to do in case of an emergency and how to cook safely. Council Member Newell noted that a lot of interesting information was shared. He encouraged the public to participate on the Committee. He reported that Neighborhood Watch groups are being organized in different neighborhoods. Any residents interested in becoming a leader of a Neighborhood Watch group could receive training from the Police Department. It takes approximately three hours and is a valuable way to learn how to look out for other residents and protect their safety. Council Member Newell would represent the City at the Canyons Education Foundation. He looked forward to participating and assisting in that work.

#### **4.4 Committee Reports by Council Member Ellen Birrell.**

Council Member Birrell reported that she meets each month with the Historic Committee. The Committee has been working for some time on a Veterans Memorial. She believed this would be a wonderful addition to the City Hall patio area. Additionally, one of the Committee Members had done a lot of research on what the housing subdivisions looked like in Cottonwood Heights prior to

1954. This was part of the work that needed to be done to maintain status with the Utah State Historical Society. Council Member Birrell also noted that there was a recent addition to the Historic Committee, Bruce Lubeck. The entire group was remarkable.

Council Member Birrell shared information about her work with the Utah Transit Authority (“UTA”) Local Advisory Council. The Council recently approved a budget for the next five years. It covered 2023-2028. The intention was for there to be an on-demand service in the Cottonwood Heights area. This would be an enhancement for anyone that wanted to access bus stops within the City to travel to other parts of the County. The Mayor of Riverton, Trent Staggs, and herself were both voices for commuter services. There were needs in parts of the County because certain areas did not have access to light rail or bus stops. It was important to have more equity.

The City was in the process of drafting a Resolution denouncing the gondola alternative proposed by the Utah Department of Transportation (“UDOT”). That process had temporarily stalled. Council Member Birrell wanted to see more protections for District 4 and make sure the Resolution language was strong. She would support the City in moving that Resolution forward.

#### **4.5 Committee Reports by Mayor Mike Weichers.**

Mayor Weichers expressed his appreciation to the Council Members for their hard work. He announced that the City of Cottonwood Heights signed a Purchase Sales Agreement with the intent to buy the Hillside Plaza property located on the northeast corner of 2300 East and Fort Union Boulevard. The City was in the beginning stages of exercising due diligence on the property. There was a timeline of approximately 120 days to execute and finalize the sale. Mayor Weichers outlined some of the reasons the decision had been made by the Council to purchase the property. As mentioned in the newsletter a few months ago, the Council believed there was an opportunity to create a public purpose on the property. It could become a place of gathering.

The wording in the General Plan for the area was “a town square.” The Council hoped that the property would create a sense of belonging for community members. Mayor Weichers explained that what the area would ultimately look like was still to be determined but the process to complete the sale was underway. The City did not intend to raise taxes to pay for the property but would instead seek a bond to pay for the purchase by pledging a certain percentage of current sales tax revenue. It was envisioned that there would be a mixed-use property that would include commercial, restaurants, a small housing component, and a walkable area. There was a desire to attract Cottonwood Heights residents as well as those visiting and living in surrounding communities. Mayor Weichers explained that the intention was to involve the community.

#### **5.0 CITIZEN COMMENTS**

*Kirby Croyle and Jennifer Cottam* were from the League of Women Voters. Ms. Croyle was excited about the plan to purchase the Hillside Plaza property. She introduced Ms. Cottam and explained that she is the League of Women Voters Council Observer for the Cottonwood Heights City Council. The observers made sure that the County and municipal governments were open, accountable, and responsive to the needs of residents. This was done by attending meetings and sharing what was learned. Ms. Croyle appreciated the work done by the Council and reiterated that Ms. Cottam would

act as the observer. Ms. Cottam was new to the League of Women Voters, a bipartisan group. She would report back on the issues.

*Mary Ellen Johnson* gave her address as 3489 MacIntosh Lane. She was excited to hear about the intention to purchase the Hillside Plaza. Additionally, she thanked the City for the “Do Not Block” lettering on the asphalt on Fort Union on the streets just west of Big Cottonwood Canyon. In her neighborhood, residents are often blocked in. Neighbors were excited to see if the lettering would make a difference. Ms. Johnson had noticed over the last few years that there had been many camper vehicles parked around Bywater Park and Fort Union during the ski season. Those vehicles have blackout curtains and she was concerned that people were camping in their vehicles to be first up the canyon. She was worried about neighborhood safety.

Police Chief, Robby Russo confirmed that some people are camping in their vehicles to be first up the canyon. Officers had caught several of those individuals throughout the City. That was a law enforcement issue and he encouraged residents to phone the police in those instances.

There were no further public comments. The citizen comment period was closed.

## **6.0 ACTION ITEMS**

### **6.1 Consideration of Resolution 2022-59 Approving Entry into an Agreement with Salt Lake County for Tier II ZAP Funding.**

Mayor Weichers noted that the item was discussed during the Work Session. Council Member Bracken noted that the ZAP program is essential to the Arts Council.

**MOTION:** Council Member Newell moved to APPROVE Resolution 2022-59 – Approving Entry into an Agreement with Salt Lake County for Tier II ZAP Funding. 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 Weichers-Aye. The motion passed unanimously.

### **6.2 Consideration of Resolution 2022-60 Declaring Certain Property Surplus.**

Mayor Weichers reported that the above item was discussed during the Work Session.

**MOTION:** Council Member Petersen moved to APPROVE Resolution 2022-60 – Declaring Certain Property Surplus. 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.

## **7.0 CONSENT CALENDAR**

### **7.1 Approval of the City Council Work Session and Business Meeting Minutes of November 1, 2022.**

Approval was continued to the next City Council Meeting.

**8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The City Council Meeting adjourned at 7:31 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 15, 2022.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: December 6, 2022