

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL LEGISLATIVE WORK SESSION HELD THURSDAY, FEBRUARY 16, 2023, AT 9:00 A.M. VIA ZOOM WITH AN ANCHOR LOCATION AT THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

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

**Staff Present:** City Manager Tim Tingey, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Administrative and Financial Services Director Scott Jorges, Public Works Director Matt Shipp, IT Manager Matt Ervin

**City Lobbyists:** Greg Curtis, Brian Allen, Chantel Nate

**1. Welcome – Mayor Weichers.**

Mayor Mike Weichers called the meeting to order at 9:00 a.m. and welcomed those present.

**2. Legislative Update and Discussion.**

City Manager, Tim Tingey presented an overview of the areas of focus and reported that he along with Mayor Weichers and Council Member Newell attended the weekly Utah League of Cities and Towns (“ULCT”) Legislative Policy Committee Meetings. There has been a focus on a variety of bills with an emphasis on advocating for the respect of the traditional role of local government and recognizing the unique characteristics and needs of individual cities. They have also been working to advocate against potential unfunded city mandates. The ULCT pointed out that multiple land use bills would impose a potential \$55 million on city governments throughout the State if passed.

City Lobbyist, Brian Allen, presented the Legislative Update and stated that House Bill 291 pertaining to short-term Rentals passed out of Committee. Representative Musselman stressed that he is not doing anything that would deter local authority and emphasized the need for each community to determine what is right for them. The pilot program for short-term rentals would create amnesty allowing existing rentals to come into compliance without a penalty. The current version of the bill specifies 80% of the zone with consideration going to a percentage of housing stocks that would determine the minimum number of licenses for short-term rentals. The bill also includes a Transient Room Tax to fund enforcement. Mr. Tingey reported that the bill allows cities to enter into a pilot program with the option of charging a 1.5% tax to cover related administrative costs. The focus is on communities that are trying to promote tourism where those facing challenges with short-term rentals may not benefit from the tax. There are 100 licensed short-term rentals within the City with many more being rented that are not in compliance.

HB- 276 regarding Water Supply Amendments, applies to cities with a municipal water system and contract users. Mr. Allen reported that the bill was held in Committee.

HB-301 pertaining to Transportation Tax Amendments passed out of the House of Representatives with 56 affirmative votes and is currently in the Senate. It would change the gas tax calculation and add a 12.5% tax on charging stations for electric vehicles. It was noted that electric vehicles are not currently contributing tax to fund roads. The tax would equate to approximately \$3 per charge and has received broad support.

HB-364 regarding Housing Affordability Amendments passed out of Committee and is on the House's third reading calendar. The Bill was supported by the ULCT and appears to be holding.

Senate Bill 174 passed out of Committee and included ULCT negotiation. Minor changes may be forthcoming.

HB-196 pertaining to Eminent Domain would restrict a city's ability to use eminent domain for the construction of a city park. The bill has been assigned to a committee but has not yet been heard.

A Firefighter Retirement Bill regarding who may be eligible for participation in the retirement system passed both houses. Multiple public safety retirement bills have been drafted and are still in negotiation.

HB-374 regarding County Sheriff Amendments would dissolve the Unified Police Department ("UPD"). It has been substituted and passed out of committee. There are currently two entities providing the same service including the Salt Lake County Sheriff's Office and UPD. The bill would convert the UPD contracts to Interlocal Agreements between the Sheriff's Office and the municipality changing the administrative structure. Mr. Allen stated that the additional law enforcement bills are being managed well with the support of law enforcement and the ULCT.

City Lobbyist, Greg Curtis reviewed three areas of emphasis. The first is the Governor's Trail Program with the Utah Department of Transportation ("UDOT") which will receive significant ongoing funding of \$25 to \$30 million per year. The project will include paved trails connecting communities among other items. The process will commence with UDOT receiving the funds and starting a process by which there will be applications working with the Wasatch Front Regional Council, ("WFRC"), Mountainland Association of Governments ("MAG"), and other Metropolitan Planning Organizations ("MPO"). It was his understanding this is primarily an urban issue and Senator Harper's SB-185 captured 0.5% of the tip. He reported that the bill statutorily earmarks the funding and remains in the Active Transportation Investment Fund ("ATIF") until pulled. The intent was to provide mobility with new modes of transportation and limited traffic interaction.

The second area of discussion included opening up the Cottonwood Canyons Transportation Fund. The fund receives \$20 million annually and must be appropriated by the Legislature for use. UDOT is discussing potentially obtaining legislative permission to utilize funds to pay for the

initial phases of the preliminary environmental document. He believed there was broad consensus for the initial phase or common-sense solution.

The local funding of roads was next discussed. Mr. Curtis stated that much of the funding received in the past has come from the County First Class Restricted Fund and includes a portion of the dedicated sales taxes for transit. Several years prior, the Legislature identified \$12 million in funds and notified municipalities that they would be receiving a specific amount over the next 15 years. He noted that the challenge was with the funds being depleted as they flow to cities. The Legislature has been hesitant to address requests for appropriations or Requests for Applications (“RFA”) for local projects. Mr. Tingey reported that when the funding was established, the funds could either be taken as a community yearly or enter into a Bonding Agreement with UDOT. Cottonwood Heights chose to receive the funds. He noted that the funds will be available for several years and UDOT is not responsive to additional requests as they are already contributing. Mr. Curtis pointed out that there is debt being paid off in fiscal year 2024/2025 at which time the Legislature will determine if the funds will be distributed.

Mr. Curtis reported that six years ago a fifth quarter was authorized by the County to impose a 0.2% tax for transit projects but was never implemented. There was a working group with the governor, speaker, and sub-committee discussion that is focused on changing the uses. Salt Lake County suggested a 0.5% tax to go toward transitional services for those experiencing housing instability and crisis. He clarified that changing the authorization and uses would still need to be imposed by the County.

Mr. Tingey reported that Council Member Birrell was in attendance but was unable to participate in the meeting via Zoom.

### **3. Adjourn.**

**MOTION:** Council Member Bracken moved to adjourn. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 9:40 a.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Legislative Work Session held Thursday, February 16, 2023.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: March 1, 2023.