

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, JULY 11, 2023, AT 4:00 P.M. IN 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 Matt Holton, Council Member Ellen Birrell

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

Excused: Council Member Shawn Newell

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.

Community and Economic Development Director, Michael Johnson, provided an overview of Ordinance 398 Amending Titles 2, 11, 12, 14, and 19 of the Cottonwood Heights Code of Ordinances. Changes included the following:

- Defining entrance of outlet;
- Defining paved surface;
- Removal of a structure to be deemed legal, even if built illegally, within a five-year period;
- Removal of carports from the list; and
- Non-conforming uses changing “building” to “structures.”

City Manager, Tim Tingey next reviewed Resolution 2023-39 approving the appointment of Mark Lentz to the Historic Committee. Mr. Lentz is a Professor of History at Utah Valley University (“UVU”) and has a passion and background in Historic Committee items. Staff recommended approval of the appointment.

Public Works Director, Matt Shipp reviewed Resolution 2023-40 rewarding a Construction Contract for the Prospector Drive Storm Drain Project. The subject area has been redesigned with a plan to remove the waterways and install a storm drain line at Timberline and Quicksilver Drives. Through the proposed Resolution, the Council would consider and ratify a \$240,218.85 bid and award a construction contract to Lyndon Jones Construction. Mr. Shipp recommended approval.

3. STAFF REPORTS

a. General Plan – Community and Economic Development Director, Michael Johnson.

Mr. Johnson led the General Plan discussion and stated that recommendations provided from the December 2022 City Council discussion were to utilize existing Master Plans while creating a vision for land use, growth, and development into the future of the City. He highlighted the utilization of existing Master Plans and stated they are the foundation of how recommendations are prepared. Notable plans to review are as follows:

- 2005 General Plan;
- Parks, Trails, and Open Space Master Plan;
- Fort Union Boulevard Master Plan; and
- Fort Union Corridor Study and Fort Union Visioning Study.

There will be a focus on refining and developing the City's vision for the Fort Union Boulevard corridor from both land use and transportation perspectives. The future of the corridor is an important part of the City's vision for managing and planning for continued growth and redevelopment. Consensus on the future of the corridor will become an important foundation for the final recommendations in the General Plan. The Transient Room Tax (“TRT”) process was reviewed.

Council Member Birrell expressed concern with the level of oversight of external Accessory Dwelling Units (“ADU”) being questionable. She felt there may be advantages to conventional multi-family housing along Fort Union Boulevard providing more stringent City regulatory measures. Council Member Bracken asked if there is the possibility of utilizing part of the VRBO and Airbnb Licensing Fee to supplement other types of affordable housing units within the City. Mr. Johnson reported that Staff intends to approach this effort from a neighborhood scale moving outward to determine the priorities of constituents and residents of the City. Broad policies and priorities include maintaining and improvement of the safety, viability, and connectivity of all transportation methods. The process will assist in the planning and development of policies that accommodate growth rather than react to it.

Priorities while drafting a Land Use Element included the following:

- Identify contact-sensitive ways to guide redevelopment and the principle of smart growth;
- Identify a range of options to provide affordable and attainable housing;
- Establish a town center area with a strong community identity;
- Guide appropriate redevelopment and accessibility to other smaller established centers while continuing to meet local shopping and service needs;
- Planning for a dynamic transportation system; and
- Embrace and protect the natural environment, views, and open space as a natural resource.

Mr. Johnson stated that the intent is to focus on redevelopment of the Fort Union Boulevard area and continue to refine the Draft Plan moving toward public engagement. He encouraged the Council Members to familiarize themselves with the Fort Union and Parks, Trails, and Open Space Master Plan, and any other Plans involving the areas of the City.

b. Property Surplus Discussion – Community and Economic Development Director, Michael Johnson.

Mr. Johnson led the Property Surplus discussion and stated that the subject property is located at 2912 Denmark Drive within the Watson Hollow Subdivision. The remnant parcel is 3,500 square feet in size and was dedicated to the City at the time of Subdivision Plat. The parcel is not viable for building and does not serve any public purpose. Staff was approached by the adjacent property owner to the east who expressed interest in purchasing the parcel. It was determined that the parcel requires a City appraisal and must go through the surplus property process. At that time, the Council would determine whether to move forward and set a minimum bid price for the parcel to be sold.

c. Cooperative Agreements for Unified Fire Service Area (“UFSA”) – Unified Fire Authority (“UFA”) Assistant Chief, Riley Pilgrim.

Unified Fire Authority Assistant Chief, Riley Pilgrim stated that the Cooperative Agreements for Unified Fire Service Area (“UFSA”) are awarded when the department meets or fulfills specific obligations pertaining to mitigation work, maintains a Community Wildfire Protection Plan, and other requirements. The State of Utah will then cover any fire-related expenses located on non-federal land. The proposed agreement is an 18-month term renewal and contains enhancements to the program that will be available in 2025. Chief Pilgrim reported that the agreements present an opportunity to be involved in mitigation work and wildfire prevention.

d. Butlerville Days Event Discussion – City Manager, Tim Tingey, and Culture Manager, Ann Eatchell.

Culture Manager, Ann Eatchel reported that Butlerville Days will take place Thursday, July 27 through Saturday, July 29. Thursday will be designated as family night with \$1 carnival rides. She confirmed that all rides with movement are required to go through a State inspection. The Painting in the Park spots have been filled with the Historic Walking Tour beginning at 6:30 p.m. and a second tour on Saturday at 9:00 a.m. Friday events include Yoga with Yogurt at 7:00 a.m. and a Chalk Art Contest running through Saturday evening. Vendor booths will open at 4:00 p.m. along with two miniature golf courses and inflatable bounce attractions, both available at no cost. The Car Show was moved to Friday night with stage entertainment from 5:00 p.m. to 10:00 p.m. followed by the Drone Show. Saturday events include High Fitness Aerobics, a continuation of the Chalk Art Contest, a second Historic Walking Tour, the Butlerville Days parade at 11:00 a.m., miniature golf, ice skating, stage entertainment, and a final fireworks display. Parade guidelines were described. Ms. Eatchel emphasized safety when throwing candy.

Mr. Tingey reported that the focus of the Butlerville Days Parade is to create a hometown community feel without campaigning. He confirmed that the status quo from previous years will remain with an emphasis on safety. Campaigning guidelines were discussed.

4. REVIEW OF CALENDARS AND UPCOMING EVENTS.

- a. **July 13 through 15 – 7:00 p.m. to 10:00 p.m. – *Guys and Dolls: The Musical* at Butler Middle School.**
- b. **July 27 through 29 – Cottonwood Heights Butlerville Days (Volunteers and Sponsors needed. For more information, visit www.butlervilledays.com or call Ann Eatchel at 801-550-8225).**
- c. **August 12 – 11:00 a.m. to 1:00 p.m. – Autism Council of Utah “Lunch with the Cops” Event.**
- d. **August 14 – 6:00 p.m. to 8:00 p.m. – Meet the Candidates Event in the City Hall Community Room.**
- e. **August 26 – 9:30 a.m. to noon – Bark in the Park at Mountview Park.**
- f. **August 31 – 4:00 p.m. to 7:00 p.m. – Community Block Party at City Hall – (Tentative time).**

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

There was no Closed Meeting.

6. ADJOURN CITY COUNCIL WORK SESSION.

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

The Work Session adjourned at 5:23 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (“CDRA”) MEETING HELD TUESDAY, JULY 11, 2023, AT 5:30 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

Members Present: Mayor Mike Weichers, Council Member Scott Bracken, Council Member Matt Holton, Council Member Ellen Birrell

Staff Present: City Manager, Tim Tingey; City Attorney, Shane Topham, Records, Culture, and Human Resources Director, Paula Melgar, Culture Manager, Ann Eatchel, Community and Economic Development Director, Michael Johnson, Police Chief, Robby Russo, Administrative and Financial Services Director, Scott Jurges, IT Manager, Matt Ervin, UFA Assistant Chief, Riley Pilgrim, Public Works Director/City Engineer, Matt Shipp

Excused: Council Member Shawn Newell

1.0 WELCOME – Board Chair Mike Weichers.

Board Chair Weichers called the CDRA Meeting to order at 5:30 p.m. and welcomed those present.

2.0 CANYON CENTRE UPDATES – Chris McCandless.

Chris McCandless from Canyon Centre Development and Mike Williamson presented the Canyon Centre update. A spreadsheet was displayed reflecting values as part of the Canyon Centre Project.

- The podium unit was sold to FSC for \$6.850 million;
- Infrastructure improvements of \$3 million;
- Parking garage – \$14.8 million;
- Attorney and other entitlement costs including architects – \$850,000;
- Marriott Hotel 149 rooms – \$25 million;
- Eight Settlers – \$6.8 million;
- Canyon Centre Condominiums units 2D and 2E are under construction;
- The Rooted People unit 2E, leased with incoming rent;
- Single-family detached residential homes for \$13.6 million by David Weekly Homes;
- Apartment Home property only, valued at \$9 million; and
- Saola Restaurant and Grill – \$4 million.

Mr. McCandless reported that the amount invested to date is \$84.4 million. Should the proposed concept office modifications be approved, the 5,000 square-foot units will be sold to individual proprietors. Together with the residential condominiums upper three levels, the Apartment Home complex, community park, and tax increment will create a \$164 million project. He reported that the request is for modification to increase the residential condominiums to three levels with parking on the third level. Since construction has not yet begun on either building, it was confirmed that the December 2024 deadline will not be met. As part of the proposal to change

uses and extend construction deadlines to December 2026, Mr. McCandless proposed to forgo this portion of tax increment payments for two additional years (estimated to be \$90,000 per year). Additionally, the development will deed the park parcel to the City earlier than originally anticipated and reserve a limited amount of space for future construction staging. They also offered to allow limited structured parking to be used by area residents for overnight parking needs. Mr. McCandless reported that for these changes to be formalized, the following steps need to occur and will take considerable time and include the following:

- Formal approval by the CDRA of an Amended Development Agreement;
- Amended Conditional Use Permit for the office building change of use (approved by the Planning Commission); and
- Approval of proposed changes to the affected taxing entities that are participating in the project.

Mayor Weichers reported that there are two Homeowner Associations (“HOA”) managing the entire project. He questioned whether having a percentage of required owner-occupied was still being considered. Mr. McCandless confirmed that there will be approximately 30 for sale units. Per the contract with the Marriott Hotel, only 10 units are allowed to be utilized as full-time rentals. He confirmed that short-term rentals are not allowed in the zone or their contract with Marriott.

Mr. Johnson explained that if Staff receives direction to move forward with an amendment to the Development Agreement, they will return to the Council with additional details and continue discussion. Direction moving forward will include negotiation with the taxing entities and Interlocal Agreements with each requiring approval. Upon completion and once final approval is received, implementation will take approximately nine months. Staging and parking plans were described.

Board Member Birrell reported that residents expressed concern with the available free parking area. It was their preference to see the property be professionally managed. She questioned the design and construction of a park along the south edge of the acreage and recommended that an illustrated diagram and interactive meeting be held with nearby residents. The Mayor explained the proposal will expedite the process for the construction of an improved park while providing a project staging area. Delineation of the areas will be provided.

3.0 GRAVEL PIT COMMUNITY REDEVELOPMENT AREA DISCUSSION – Community and Economic Development Director, Michael Johnson.

Mr. Johnson presented the Gravel Pit Community Redevelopment Area (“RDA”) discussion and stated that Rockworth Development approached the City about establishing a Public Infrastructure District on the 20-acre northern portion of the property. This would provide a method to apply additional mill levies to the property tax and assist in funding public infrastructure as they build out the site. Following further financial analysis of construction costs and interest rates, Rockworth Development approached the City with a proposed Tax Increment Financing (“TIF”) of the Community Reinvestment Area in addition to the Public Infrastructure District to further help with development costs.

The site was entitled through the Planned Development District (“PDD”) Zoning tool in August 2021. Mr. Johnson reported that Engineering and Civil construction plans for the site were prepared and included site-specific fault trenching. With the discovery of additional fault trenches, the developer is required to decrease the size of their apartment building from 325 to 300 units. The developer is now interested in pursuing the creation of a Community Reinvestment Area (“CRA”) on the site to utilize TIF to assist with ongoing development costs. The taxing entities require a detailed plan in order to weigh in and progress on the creation of a CRA.

Mr. Johnson reported that Staff has received preliminary information from Rockworth Development on the analysis of their 20-acre site. He understood that the City would not wish to separate the property into its own CRA and have an additional CRA for the adjacent portion in the future. If the City were to proceed, he recommended including the project area in its entirety as previously established. The next step would be to schedule a future presentation in a CDRA Meeting with the developer and receive direction from the Agency on whether to un-table the CRA for the gravel pit area. He confirmed Staff that will resume meeting with the taxing entities to further the development progress.

City Manager, Tim Tingey reported that because the City has numbers from previous development, they could potentially extrapolate those numbers into the rest of the build-out. A phased approach was suggested with approval in a single area. He noted that Development Agreements may be negotiated in stages as the processes are very in-depth.

Board Member Birrell noted that the General Plan shows an urban core in the subject area that would increase the population of Cottonwood Heights by 9,000. She asked if the entire gravel pit property is under one CDRA and if the City is legally bound to continue with this level of density and urban core. Mr. Tingey explained that the development could be phased with an understanding of the look and proposal. The developer would create an area and return with Development Agreements to be negotiated in additional phases. He recommended a full area be approved with the opportunity to return in phases to the taxing entities for approval. Staff offered to return with a revised Project Area and Budget document.

4.0 ACTION ITEM

4.1 Consideration of Resolution 2023-04 Approving a Property Management Agreement for Hillside Plaza.

Mr. Johnson reported that the above resolution involves consideration of Resolution 2023-04 approving a Property Management Agreement for Hillside Plaza. The initial consulting company was selected to provide property management services but was dismissed as the terms of the contract could not be agreed upon. The City contacted KNR Premier Property Management who appeared to be qualified and able to perform the property management services needed for the site with a monthly rate of half of the previous consultant. Services would commence on August 1, 2023.

MOTION: Council Member Bracken moved to APPROVE Resolution 2023-04. The motion was seconded by Council Member Holton. Vote on motion: Board Member Bracken-Aye, Board

Member Holton-Aye, Board Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

5.0 APPROVAL OF MINUTES

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

6.0 ADJOURN.

MOTION: Board Member Holton moved to ADJOURN the CDRA Meeting. The motion was seconded by Board Member Birrell. The motion passed with the unanimous consent of the Board.

The CDRA Meeting adjourned at 6:29 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, JULY 11, 2023, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Weichers, Council Member Scott Bracken, Council Member Matt Holton, Council Member Ellen Birrell

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

Excused: Council Member Shawn Newell

1.0 WELCOME

Mayor 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 Police Chief, Robby Russo.

3.0 CITIZEN COMMENTS

John Tomich reported that the area near Newton and Nantucket Drives poses a fire danger. He emphasized the need for signage regarding restricting fireworks. Mr. Tomich asked that the Fire Marshall be notified and expressed a willingness to fund the necessary signs.

Jeff Chatelain, a Racquet Court Circle resident, commented that although he is not a developer he has built 40 to 50 homes in less-than-perfect economic times. He had heard complaints regarding interest rates and office space. Residents impacted by the Canyon Centre Development are speaking out and he suggested that the developer commit as there have been multiple issues he has fallen back on. Mr. Chatelain stressed the need to implement a plan and mitigate parking. He expressed opposition to Marriott Hotel's oversized parking in a residential community and the potential 10-year problem associated with the proposed apartment housing.

Runar Bowman appreciated the informative article regarding fiber optics options in the July newsletter. He understood that Staff reached out to surrounding communities regarding the trenching concern with Google Fiber but chose to move forward as it was the most viable option. He believed Google Fiber provides the fastest, least expensive, best user experience, and he encouraged the City Council to consider that when making the final decision.

Leslie Kovach identified herself as a Board Member of Save Not Pave and was present to address traffic, air, and water. Cottonwood Heights is not the only urban area with traffic issues and she believed that deaths are caused by high-speed roads that are designed for cars, which results in a divided community. She shared a story of a pedestrian/car accident and asked that communities focus on current road designs to ensure safety and asked when Cottonwood Heights will take a stand and demand reduced speeds on Wasatch Boulevard. Items previously discussed in the meeting included projects that have a direct impact on Wasatch Boulevard. Ms. Kovach questioned whether air quality and water usage have been considered.

Mr. Tingey presented written public comments submitted by *Mary Ellen Johnson* and *Debra Rakes* that were included in the record.

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

4.0 ACTION ITEMS

4.1 Consideration of Ordinance 398 Amending Titles 2, 11, 12, 14, and 19 of the Cottonwood Heights Code of Ordinances.

MOTION: Council Member Holton moved to APPROVE Ordinance 398. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Bracken-Aye, Council Member Holton-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

4.2 Consideration of Resolution 2023-38 Approving Entry into an Interlocal Agreement with Utah Division of Forestry, Fire and State Lands for Participation in the Wildland Fire Program.

MOTION: Council Member Bracken moved to APPROVE Resolution 2023-38. The motion was seconded by Council Member Holton. Vote on motion: Council Member Bracken-Aye, Council Member Holton-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

4.3 Consideration of Resolution 2023-39 Approving an Appointment to the Historic Committee.

Mr. Tingey reported that the above resolution involves consideration of the appointment of Mark Lentz to the Historic Committee. Mr. Lentz was present online and will bring a great background due to his work as a History Professor. Staff recommended approval of the appointment.

Council Member Birrell was impressed by Mr. Lentz during the District 1 application process and excited by his willingness to serve on the Historic Committee.

Council Member Holton thanked Mr. Lentz for being willing to dedicate time to the City.

MOTION: Council Member Holton moved to APPROVE 2023-39. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Holton-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

4.4 Consideration of Resolution 2023-40 Approving and Ratifying a Bid and Awarding a Construction Contract for the Prospector Drive Storm Drain Project.

Council Member Bracken expressed gratitude to the Public Works Department for its focus on the steep cross gutters constructed years earlier.

Council Member Birrell commented that Golden Hills Drive includes a steep cross gutter onto Blue Jay Lane and believed the \$240,000 cost associated with the project is necessary and money well spent.

MOTION: Council Member Birrell moved to APPROVE Resolution 2023-40. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Holton-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the Minutes of the City Council Work Session and City Council Business Meeting of June 20, 2023.

MOTION: Council Member Holton moved to APPROVE the Minutes of the City Council Work Session and City Council Business Meeting of June 20, 2023. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Bracken-Aye, Council Member Holton-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The City Council Meeting adjourned at 7:25 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session, CDRA Meeting, and Business Meeting held Tuesday, July 11, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: August 1, 2023