

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, AUGUST 1, 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 Shawn E. Newell, 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; 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

**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.

Agenda item 5.1 pertained to the proposed Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance Update. A public hearing would be conducted to allow the public to comment. Community and Economic Development Director, Michael Johnson, confirmed that the City’s website updates have been published. The major changes were discussed at the last few work sessions. Another opportunity was to be made available on August 15 for the City Council to review the request and make comments.

A second public hearing was scheduled for the proposed rezone of 3.049 acres located at 6851 South Big Cottonwood Canyon Road, which pertains to the cul-de-sac area on a larger 15-acre parcel. The current land use is Mixed-Use. The current zoning is Foothill Residential and they are proposing to change it to R1-8. The Planning Commission conducted a public hearing on July 19, 2023. All were in support of the proposed change and the Planning Commission recommended unanimous approval. It was recommended that the rezone not take effect until the subdivision occurs. The review took place and was approved but needs to be recorded and executed.

The first item to be voted on will pertain to item 6.1 regarding the Budget Amendment for Ordinance 399. Items 6.2 and 6.3 are related but before they can be rezoned the General Plan must be amended. Votes will first be taken on Ordinance 400-A and if that passes they will not have to address 400-D.

Council Member Birrell questioned why the General Plan has to be amended if it is considered legally non-binding. City Attorney, Shane Topham, explained that a General Plan is a forward open document, and a General Plan Amendment will look forward and not necessarily rezone the property. The General Plan is broader than zoning, which determines what can be done with the property. Because rezoning is a future action and a General Plan is a forward-looking document, the desire is for them to align. The comment was made that they have never changed a zone that is in conflict with the General Plan. Mr. Topham stated that procedurally they cannot rezone to something that is not contemplated in the underlying General Plan land use designation.

Agenda Item 6.3 pertains to Ordinance 401-A, which approves the rezone. Ordinance 401-D would be denial. The Council will then vote on 401-A, which will make 401-D obsolete. Mr. Topham explained that a Council Member should make a motion to approve either 401-A or 401-D.

Agenda Item 6.4 involves consideration of Resolution 2023-43 approving and accepting a grant from the Utah State Historic Preservation Office. City Manager, Tim Tingey stated that it has been approved multiple times in the past. They wrote a grant to get a Certified Local Government (“CLG”) grant to conduct a reconnaissance survey on historic properties. The grant is for up to \$11,225, which requires a match. The City approved a contract with an individual who has done that for the City following a procurement process. Staff recommended approval of the CLG grant, which is in the current budget, through the Historic Committee.

The last item on the agenda was the consent calendar including approval of minutes.

**3. WASATCH FRONT REGIONAL COUNCIL - Messrs. Andrew Gruber and Wayne Bennion.**

Mayor Weichers reported that the City works closely with the Wasatch Front Regional Council (“WFRC”). WFRC Executive Director Andrew Gruber, Director of Short-Range Planning Wayne Bennion, and Community and Economic Development Director Megan Townsend were present.

Council Member Birrell reported that they are excited about the new U.S. Department of Transportation’s Safe Systems Approach and its SS4A program, which seeks safe streets and roads for all. She explained that municipalities across the United States were able to apply by early July 2023 to obtain funding for various active transportation projects. For most cities in Utah, each City has prepared a Safety Action Plan. The WFRC had the foresight to apply last year to get monies to prepare a template that will make it far easier for cities along the Wasatch Front to build their own Safety Action Plan and be eligible for the funds that are now provided by the U.S. Government for safe mobility for all users. This could include crosswalks, sidewalks, or bike lanes. She noted that grants have been available for some time but there are often strings attached. She was pleased to see that the federal government sees that within each city they need to ensure safe mobility for all users. Council Member Birrell has been vocal about wanting to make sure that the City is prepared. The City’s Public Works Department is working on the second draft of the Master Transportation Plan and they are interested in learning more about the Safety Action Plan.

Mr. Gruber provided an overview of what the WFRC does and stated that they are a public agency whose jurisdiction covers Salt Lake, Davis, Weber, Southern Box Elder, Morgan, and Tooele Counties. They are a Metropolitan Planning Organization (“MPO”) that brings people together across the Wasatch Front to plan for future growth. They have an official role of developing the long-range transportation plans for the region. They work with the Utah Department of Transportation (“UDOT”), the Utah Transit Authority (“UTA”), cities, and counties. The plans they develop become the official transportation plans for the region and ultimately the Utah Unified Transportation Plan. Their role is to give a voice to local communities in the broader transportation planning process. Their board consists primarily of local elected officials that come together to develop the plans.

Mr. Gruber reported that their role is to provide a regional forum for discussion. They also look out decades into the future in terms of planning to ensure that the quality of life that exists is preserved for generations to come. They provide support to various communities as they work with residents to plan for the future. The WFRC also provides funding for transportation projects and technical assistance. They work closely with the Utah League of Cities and Towns (“ULCT”) as well.

Mr. Gruber stressed that transportation safety is critical. They have seen regional and statewide accidents and fatalities in transportation grow over the past several years. It is important in terms of preventing injuries to the extent possible. It is also important to make residents feel comfortable doing something other than driving. In the region, they cannot meet the travel demands just by driving. People also have to feel comfortable walking and biking. They must feel that there is a safe system to use it. Many residents have indicated that one of the most important things to them is getting outside and having community amenities such as parks. The way the system is designed leads to the safety outcomes.

The Safe Streets for All Program creates an opportunity for Cottonwood Heights and other communities to obtain grants to complete projects in the community to help improve transportation safety. First, there must be a Safety Action Plan, which they are working to develop for the region. Once in place, they will be able to seek direct federal grants for safety projects.

Mr. Bennion presented the Comprehensive Safety Action Plan and stated that the purpose of the plan is to provide means to local governments to make strategic roadway safety improvements. \$1 billion per year is available with a portion of the funding already having been distributed. Three years remain in the program. The intent of the program is to reduce fatalities and serious injuries. The funding is eligible for roadway improvements including all modes of transportation within the roadway. The states are not eligible for the funding, which is primarily for local governments. The two types of grants include Planning and Demonstration and Implementation grants. A Safety Action Plan must be in place before applying for an Implementation grant. As a result, several local governments over the last year asked the WFRC to lead the development of a regional Safety Action Plan that will allow local governments within the WFRC region to be eligible for the next funding cycle. The anticipated application deadlines were expected to be July 2024.

Mr. Bennion reported that after working with several local governments across the region, WFRC submitted an application and received a grant to develop a Comprehensive Safety Action Plan

(“CSAP”). The purpose was to develop a holistic strategy to reduce roadway fatalities and serious injuries in the Wasatch Front region on locally-owned roadways.

The CSAP will:

- Analyze safety needs;
- Identify high-risk locations and factors that contribute to fatalities and serious injuries; and
- Prioritize strategies to address high-risk locations and address factors that have contributed to crashes.

The study area was identified. Mr. Bennion reported that the data analysis will focus on locally owned roads and look at data on state roads. A planning team has been involved from across the region. A Consultant was selected and the team will continue to meet. Public Works Director/City Engineer, Matt Shipp serves on the Steering Committee along with others from across the region and they are in the process of transitioning to 11 different Safety Planning Teams. The goal behind having 11 geographic locations is so that they can work with more specificity.

A Safety Launch was scheduled for August 22, 2023. The City was invited to help identify a law enforcement officer to participate in the Geographic Focus Area (“GFA”) Team. The intent was to involve elected officials, staff, representatives from UDOT and UTA, emergency responders, County health departments, and law enforcement. There will be two rounds of GFA meetings with one to review the data analysis and another to review proposed strategies and project types for making actual safety improvements.

In response to a question raised with regard to the purpose, Mr. Bennion stated that the intent is to identify various types of improvements, needs, and suggest priorities. Additional details were available on the website with regard to specific criteria and ways to make applications effective. The intent of the plan is to identify strategies that are the most effective. Council Member Birrell commented that money was left on the table and one of the Federal Highway Transportation Officials in Utah informed her recently that they are very interested in municipalities coming forward.

Council Member Bracken asked if there was a mechanism by which a certain amount would be allocated for each area. Mr. Bennion stated that the SS4A Program is a discretionary grant program and criteria are outlined. The intent of the plan was to identify the most effective roadway improvements for reducing fatalities and serious injuries and to make municipalities eligible for this and other funding opportunities. He explained that WFRC-administered programs typically have a scoring process but the SS4A does not appear to have one. It does, however, outline several criteria to be addressed. The intent is for the WFRC to help the City be successful in getting the funding for the projects identified as priorities. Each community will have the opportunity to compete nationwide directly. The WFRC will not be a gatekeeper but will provide assistance. Community engagement was welcomed so that the community can help shape the plan and the projects identified. This will ensure that they are in the best possible position to compete for funding.

Ms. Townsend shared information about ways the WFRC is working with Cottonwood Heights. She referenced the Wasatch Choice Vision and regional efforts. Sometimes, the WFRC comes to cities through the Transportation and Land Use Connection program. Several projects are associated with Cottonwood Heights because the City took advantage of the program. There are no penalties year to year for having good projects, so she encouraged Cottonwood Heights to continue to come forward. Ms. Townsend praised the Town Center Master Plan. She noted that it was a Transportation and Land Use Connection project that she had the privilege of working with City Staff on. The WFRC also funded the Canal Trails Master Plan. Those projects will assist with potential future funding for additions like bicycle lanes. She praised Cottonwood Heights for making use of the program. Mayor Weichers thanked City Staff for their efforts and stated that everyone has been focused on making the most of the opportunities.

Mr. Tingey congratulated Mr. Gruber on receiving a National Leadership Award. Mr. Gruber expressed his gratitude to everyone in Cottonwood Heights. He invited those present to reach out to him with questions or concerns.

#### **4. STAFF REPORTS**

a. **Historic Committee Veterans Memorial Update – Historic Committee Chair, Jim Kichas.**

Mayor Weichers reported that there will be a Veterans Memorial update from the Historic Committee. Historic Committee Chair, Jim Kichas, was present to share information. He stated that the Historic Committee has been working on the memorial for the last 1 ½ years. Much of the current planning is fluid, as it is fairly conceptual in nature. He looked forward to hearing Council Member feedback about the initial ideas. Mr. Kichas reported that Committee Members met to discuss a potential design. He shared a sample image and stated that based on the proposed design, there will be six surfaces that can be used to honor others. There will be two sides consisting of the Veterans and City sides. On the Veterans' side, there can be a memorial for the armed forces in the center with a memorial for law enforcement and firefighters on either side. On the City side, there can be information about the City and both canyons.

Mr. Kichas reported that there have been discussions about the separated sections potentially utilizing materials from Big Cottonwood and Little Cottonwood Canyons. In terms of size, the idea was for it to sit on a pedestal that will be one to 1 ½ feet tall. The monument itself will likely be between four to five feet tall. The idea was for it to be at eye level. He shared the potential location for the memorial. An aerial map was shown of the City Hall complex. There are currently plants in that location, so the proposal was to remove them and create a monument space there instead. There could potentially be benches and signage added around the monument as well. Based on the design shown, the estimate was \$35,000 to \$40,000. He recognized that costs have increased significantly over the years, so it was possible that the total would be higher.

In terms of fundraising and support, the Historic Committee envisioned a tiered system that would be inclusive and allow community members to potentially participate and offer support:

- Tier 1: Sponsorship at Tier 1 could be used to place sponsor names or brands either on the base of the Veterans Memorial, on an interpretive sign near the Veterans Memorial, or on benches situated around the Veterans Memorial. (Highest level of sponsorship.)
- Tier 2: Sponsorship at Tier 2 could be used to place sponsor names or brands on bricks that could potentially be fixed in the ground around the Veterans Memorial.
- Tier 3: Sponsorship at Tier 3 would be the most inclusive level of sponsorship and would allow sponsor names or brands to be included on a permanent website with the Cottonwood Heights City web domain. The website would provide interpretive information about the Veterans Memorial as well as sponsor names and brands.

Something the Historic Committee felt strongly about was that the memorial itself be fairly general and not include individual names. Any text on the monument should remain general enough that it would honor all who have served. There was a desire to focus on inclusivity. Mr. Kichas reviewed some of the proposed next steps in the process, which were as follows:

- The Historic Committee is currently working with Ann Eatchel to obtain a cost quote for the proposed Veterans Memorial, which will guide the rest of the planning process.
- The Historic Committee is currently refining the sponsorship plan to fund the memorial.
- Historic Committee Members are currently working on the proposed draft language.
- When the sponsorship plan is developed and approved, it will be possible to develop a community engagement plan to spread the word to potential donors and community members in Cottonwood Heights.
- The Historic Committee proposed that all planning lead toward a public unveiling of the Veterans Memorial at an upcoming Memorial Day or Veterans Day.

Mayor Weichers liked the idea of honoring families who have lost loved ones. He wondered if it was possible to list specific names in those instances. Council Member Birrell noted that she serves as the Liaison for the Historic Committee. She praised the Committee Members for their hard work and dedication. There had been Committee-level discussions about honoring specific families or specific people. However, the Committee did not want anyone to feel left out or overlooked. Mr. Kichas noted that several nearby cities have memorials in place and it would be possible to look at some of those impactful examples. He also noted that it would be worthwhile to reach out to Jenny Taylor, who has done advocacy work for Gold Star Families in the State. Ms. Taylor might be able to explain what could be done to honor Gold Star Families. Mayor Weichers did not believe it would be exhaustive to honor Gold Star Families as the list would likely be small, but the contribution would be meaningful.

**b. Wasatch Boulevard Master Plan Discussion – Community and Economic Development Director, Michael Johnson.**

Mayor Weichers reported that the Wasatch Boulevard Master Plan was discussed at the City Council Retreat in January 2023. Council Member Birrell had some items she wanted to address further, so it was determined that certain portions of the plan would be reexamined. Community and Economic Development Director, Michael Johnson, shared the Wasatch Boulevard Master Plan with the Council and was available to answer questions.

Mr. Johnson referenced Section 4.4 of the Wasatch Boulevard Master Plan. He reported that during the Council Retreat, that section was specifically mentioned. However, the City Council could discuss other sections of the plan as well. Council Member Birrell wanted to address a singular sentence in Section 4.4 in the second paragraph. She also noted that there are diagrams that show two private vehicular lanes with buses in outside shoulder lanes. One of the pieces of feedback that was received from the previous Project Manager was that there needs to be more specificity about the Bengel/Golden Hills Corridor. She reported that residents of District 4 do not want there to be more than three lanes across, however, there was a willingness to look into other options if the shoulder lanes are only used for express buses. Mr. Johnson clarified that the wider cross-section referenced was a concept for the area in front of the Gravel Pit north of Fort Union Boulevard.

Council Member Birrell referenced the language in Section 4.4 that stated that “On Wasatch Boulevard/Little Cottonwood Road south of Bengal Boulevard, the shoulder will be open to all vehicles in peak hours (a.m. north/p.m. south) and HOVs/transit on peak ski days. In the future, the flex shoulders/additional capacity could be used to create dedicated bus lanes.” Council Member Birrell believed the language states that private vehicles will be permitted during peak times. That would in essence increase demand and might create the feeling of an arterial road. She noted that all Council Members supported formal communication with UDOT that there was a desire to have a road redesign based on 35 MPH but an agreement had not been reached. Now that the Record of Decision (“ROD”) has been released on the UDOT Little Cottonwood Canyon Environmental Impact Statement (“EIS”), there was a lot of work to be done with UDOT. She had hopes that there would be lower speeds but noted that when a road is designed to be wide, speeds tend to increase.

Council Member Birrell discussed the safe systems approach and stated that there are five premises to that approach, one of which is human vulnerability. Human vulnerability is not just that the physical body cannot withstand being hit by a private vehicle driving faster than 18 MPH. There are also vulnerabilities from motorist to motorist. When vehicles strike one another at speeds in excess of 35 MPH there are generally serious injuries, if not fatalities. She hoped that the Council would consider removing the previously referenced sentence, which indicated that all private vehicles would be allowed on all lanes. With the support of the U.S. Department of Transportation, there was an opportunity to strive for a higher level of safety in the area.

Council Member Bracken did not believe that a change to the language would address the concerns expressed by Council Member Birrell. Whether there is a lane used for transit use or for personal vehicles, the road will be the same width. Mayor Weichers noted that Provo City has dedicated bus lanes and personal vehicles cannot enter them. He understood that visually, those lanes are still there but cannot be used by personal vehicles. Council Member Bracken felt that if the perceived width does not change, behaviors are unlikely to change either.

Additional discussions were had about the suggestion by Council Member Birrell. Mr. Johnson reported that the Wasatch Boulevard Master Plan references slower speeds, mechanisms to prioritize high occupancy vehicles and transit, safer neighborhood street access, implementation of pathways, and restricting the overall pavement width. Those were priorities when the plan was

developed. He noted that there are different comments included as well such as slowing Wasatch Boulevard through posted speed signs and the design of the roadway. The plan clearly states that slowing Wasatch Boulevard is key to making the corridor safer. Mr. Johnson explained that there is language in the plan to assist with some of the speed-related concerns. When looking at the flex shoulder language, there are a lot of ideas written. It is not possible to do all of those things but it makes sense to include them at this level. He did not believe it was an issue to remove the language referenced by Council Member Birrell because the intention of the plan was to work toward a future where it is a transit-dedicated lane.

Council Member Birrell noted that this was the first time the Council has discussed Wasatch Boulevard since the ROD was released. Part of the ROD related to a section of Wasatch Boulevard. The ROD states that UDOT will implement enhanced busing and build mobility hubs, to be used only before the gondola is completed. In Phase 3, which was estimated to occur between 2040-2050, the intention was not to have skiers arrive at the gondola on buses. It clearly states that in the ROD. In fact, it states that there will be a 2,500 parking stall garage, located only 0.7 miles from the mouth of Little Cottonwood Canyon. There were some contradictions and concerns that the City needed to work through with UDOT in the near future.

Since the Wasatch Boulevard Master Plan was adopted in July 2019, UDOT released iterations of their EIS for SR-210 that showed a continuous highway look and sound walls. Council Member Birrell believed the Council needed to consider the fact that the Master Plan states that there was a desire to preserve the character and focus on landscaping when UDOT seemed to have other ideas. The 2.6 miles being discussed was not only an area that needs to be safe but an aesthetic gem as well. According to UDOT, there is a desire to have sound walls there, which will alter the look. It also indicates that there are plans for additional speed and noise in the area.

Council Member Newell referenced the I-15 and the HOV lanes. People will utilize lanes like that if they are available. Enforcement could be difficult with additional lanes. Mayor Weichers noted that the dedicated lanes in Provo are used as intended. He had not seen personal vehicles there. The signage makes it very clear what the lanes are intended for. Council Member Newell pointed out that it has taken time for that to happen. There was discussion regarding the sample scenario in Provo. Council Member Bracken had previously indicated his opposition to the change. Mayor Weichers wondered if any of the Council Members were opposed to removing the language in Section 4.4 related to all vehicles being able to access the shoulder in peak hours. There was no other opposition to that amendment.

Council Member Holton reviewed the map of the area. He wondered if bicycles would be allowed on the flex shoulder and the sidewalk. This was confirmed. Council Member Holton asked if the sidewalk was sufficient to manage bicycle traffic on its own. Council Member Birrell believed it could accommodate recreational riders. The Council discussed what was envisioned by UDOT. Council Member Holton asked if expansions would result in eminent domain scenarios. Council Member Birrell reported that four years ago, six homeowners in the area near where Kings Hill Drive comes out onto Wasatch Boulevard received a postcard from UDOT stating that they might take the homes by eminent domain. UDOT has already taken one home on the east side where the curve is, just south of Kings Hill. Mayor Weichers explained that there was some eminent domain that UDOT will exercise in the ROD.



Police Chief, Robby Russo, asked how removing the language in Section 4.4 will impact snow traffic. Mr. Tingey explained that if the wording is removed, there will not be language to allow for the snow traffic. That could be an issue. Mr. Johnson clarified that the idea of the flex shoulders was that there is flexibility in use with the future goal that it would become a transit lane. He reiterated that this is a high-level Master Plan. Where to queue vehicles on snow days was something that would be discussed in greater detail at the implementation level.

Council Member Bracken believed it made sense to leave some flexibility in the Wasatch Boulevard Master Plan since it is a more high-level plan. As more detailed discussions take place, there will be additional opportunities for input and refinement. Council Member Holton wanted the City to make the roads as safe as possible. He felt it was important to consider unintended consequences. Mr. Johnson confirmed that the Wasatch Boulevard Master Plan is a high-level document. The idea was that capacity could be added to implement a future vision where more people take transit on the Wasatch Boulevard Corridor. There was a desire to keep the language and proposals broad enough so that there is flexibility moving forward. Mayor Weichers suggested that draft language be written for the Council to consider in the future.

c. **General Plan Outreach Discussion – Community and Economic Development**  
**Director, Michael Johnson.**

Mr. Johnson reported that there will be a round of public outreach related to the General Plan process in the fall. He wanted to hear suggestions from the Council about what that outreach should look like. Staff outreach ideas were shared, which included the following:

- District Town Hall Meetings (hosted by the Council or a moderator);
- City-wide Town Hall Meetings;
- Online input/social media outreach;
- Subject-specific meetings;
- City-wide mailers to advertise input opportunities; and
- Focus group meetings/Meetings with City related Boards, Commissions, and Committees.

Mr. Johnson reviewed what had been done in the past in terms of outreach, which included a City-wide open house, online survey/engagement tools, social media posts, and City Staff office hours. He noted that there was a formal public process that needed to happen as well. That would include both the Planning Commission and City Council. He asked the Council Members if there were any preferences or additional suggestions. Council Member Newell liked the idea of sending information out because there are often the same residents attending Town Hall Meetings. It would be nice to reach out to other people who do not normally attend those events. It would also be worthwhile to host Town Hall Meetings to follow up on that outreach. He wanted to make sure that all residents are aware of what is happening in the City.

Council Member Holton wondered what the different financial costs were depending on the approaches taken. Mr. Johnson explained that the mailers were most costly because there needs to be postage for every residence in the City. That was the most expensive option from a budgetary

standpoint. Hosting and participating in those meetings largely consists of City Staff time. If the moderator route is preferred, there would be associated costs as well.

Council Member Bracken believed that mailers for everyone in the City would cost approximately \$8,000 as there are 11,000 addresses, plus printing. There is normally a more significant cost with that approach. Mr. Tingey pointed out that there could be an insert in the newsletter. Council Member Holton liked the idea of providing information to residents ahead of any scheduled events. Council Member Birrell thought the information should be on the front of the newsletter. The newsletter went into every single mailbox in the City and it was a wonderful way to share information. Mayor Weichers wondered if a Committee with a mixture of residents and business owners would be worthwhile. Council Member Holton believed the most successful plans were those that are more open in nature. Something a lot of residents do not want to do is come to an event that is intimidating or has a rigid structure. Council Member Birrell liked the idea of holding something on a district basis, which would have smaller groups.

Mr. Johnson thanked the Council for their direction and input. He explained that a plan would be created and the issue discussed with the Council again in the future.

**d. City-Initiated Rezone on Fort Union and Wasatch Boulevards – Community and Economic Development Director, Michael Johnson.**

Mayor Weichers reported that there is an eastern portion of Fort Union Boulevard where some businesses are interested in rezones. It was suggested that the City initiate the potential rezone. Mr. Johnson shared a map of the area and identified some of the interested businesses. Most of the businesses are zoned Regional Commercial but one is zoned Neighborhood Commercial. There was a request from some representatives that the City consider a City-initiated rezone, rather than each business applying separately for a rezone.

There was a desire for the City to consider rezoning all five properties to match the existing land use designation, which would be Mixed-Use. Mr. Johnson reiterated that the request was to change the zoning from Neighborhood Commercial and Regional Commercial to Mixed-Use. It would be a zone change and not a General Plan Amendment. The zone change would bring those properties more in line with the General Plan as it is currently written. Council Member Holton asked about the reason for the desired rezone. Mr. Johnson explained that one of the businesses wants to do some work but is limited. Council Member Birrell believed that Alpha Coffee wants to expand and add a patio. She thought it was important to think about the residents that live nearby. She met with constituents in the area recently and there was a desire for the Council to focus more on mobility issues. If there were to be discussions about zoning, she felt it was equally important to discuss the flow in the area. If the rezone was being considered, there needs to be more robust discussions related to safety.

Mr. Tingey reported that the rezone process would not necessarily address the issues raised by Council Member Birrell. Staff was looking for direction on whether the Council will require property owners to initiate their own rezone requests or if it could be City-initiated. The only way he felt comfortable with it being City-initiated was if it includes multiple properties, which this does. Several properties were in favor of the rezone. Council Member Bracken thought the rezone

from Regional Commercial to Mixed-Use made sense. He was slightly more concerned about the differences between Neighborhood Commercial and Mixed-Use. He pointed out that Mixed-Use is typically a more intense use than Neighborhood Commercial. Council Member Bracken pointed out that the current users may not always be there. As a result, it is important to consider every potential scenario that can occur with the zone change.

Mayor Weichers suggested that there be additional discussions about the matter in the future.

e. **Police Radio Order Discussion - City Manager, Tim Tingey, and Police Chief, Robby Russo.**

Chief Russo reported that the Statewide radio program that controls all public safety radios throughout the State is changing format. There will be an update that will improve the technology. It was due to be active in the first quarter of 2024. However, that means that the current radios will not work on the new system. New radios need to be purchased to accommodate the update. Chief Russo reported that because everyone needs the radios, they are difficult to obtain. There was a desire to place an order with Motorola. Some of the radios have been received but to complete the order would cost \$174,000. Radios were expected to be available in the next six months. Mayor Weichers pointed out that the change is mandated by the State and there is not much choice in the matter. Mr. Tingey explained that there would be a budget amendment in the fall if the City Council is comfortable with the radio order moving forward. This was confirmed. It was noted that there is \$50,000 in the budget currently and \$50,000 will be carried over from last year. That leaves \$74,000 that is needed.

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

- a. **August 12 – 11:00 a.m. to 1:00 p.m. – Autism Council of Utah “Lunch with the Cops” Event.**
- b. **August 14 – 6:00 p.m. to 8:00 p.m. – Meet the Candidates Event in the City Hall Community Room.**
- c. **August 26 – 9:30 a.m. to 12:00 p.m. – Bark in the Park at Mountview Park.**
- d. **August 31 – 4:00 p.m. to 7:00 p.m. – Community Block Party at City Hall – (Tentative time).**
- e. **October 27 – 5:00 p.m. to 7:00 p.m. – Monster Mash at Cottonwood Heights Recreation Center (7500 South 2700 East)**

The calendar items were reviewed and discussed.

6. **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.

7. **ADJOURN CITY COUNCIL WORK SESSION.**

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

The Work Session adjourned at 6:05 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (“CDRA”) MEETING HELD TUESDAY, AUGUST 1, 2023, AT 6:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Board Chair Mike Weichers, Board Member Scott Bracken, Board Member Shawn E. Newell, Board Member Matt Holton, Board 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; Administrative and Financial Services Director, Scott Jorges; IT Manager, Matt Ervin; UFA Assistant Chief, Riley Pilgrim; Public Works Director/City Engineer, Matt Shipp

**1.0 WELCOME – Board Chair Mike Weichers.**

Board Chair Weichers called the meeting to order at 6:08 p.m. and welcomed those present.

**2.0 ADVISORY COMMITTEE PARAMETERS DISCUSSION – City Manager, Tim Tingey and Community and Economic Development Director, Michael Johnson.**

City Manager, Tim Tingey, reported that a Parameters Document was included in the Meeting Materials Packet. During the previous CDRA discussion, general direction was provided by Board Members. Additionally, there had been some follow-up emails. There was a consensus that there should be a conversation with the Consultant to understand the best practices moving forward. On August 15, 2023, a CDRA discussion was scheduled to take place with the Consultant. It would be possible to have a broad conversation at that time. In the meantime, the Board could discuss the Advisory Committee membership. He reiterated that in two weeks, there will be a more in-depth conversation between Board Members and the Consultant.

Mr. Tingey referenced the memo, which included modifications to the Committee formulation. It mentioned a maximum of 12 members. There was information about the selection of members as well, which included the Mayor being able to select two of the members. There was not a broad outreach listed because there had already been a lot of interest expressed in all of the districts. Mr. Tingey noted that there was a consensus model proposed for the Committee rather than a vote. That was important as there was not a desire to have split votes. The intention was for the Committee to reach a consensus during the recommendation process.

Board Chair Weichers reported that there was a Request for Proposals (“RFP”) process and MGB+A was selected as the Consultant. Board Chair Weichers and Board Member Birrell were able to sit in on the interview portion of the process and were very impressed with MGB+A.

Board Member Birrell asked in an email what other communities had done as far as Committees were concerned. Mr. Tingey reported that Staff reached out to a few different cities. Bountiful had not used a Steering or Advisory Committee for the Bountiful Ice Ribbon area. In that instance,

there was communication with Staff as well as outreach and public input. Millcreek was doing a large plaza area near their City Hall and did not use a Committee. There were public open houses in that case. The City of Holladay established a Committee for the Holladay Village Plaza but he did not have a lot of details about that process. As for the difference between an Advisory Committee and a Steering Committee, City Attorney, Shane Topham, provided input on that. There was not a desire to call it a Steering Committee, because the CDRA is essentially fulfilling that role. The Advisory Committee will make recommendations and bring matters forward to the CDRA. He was interested in hearing input.

Board Member Bracken wanted to know more about the inquiries received thus far. Mr. Tingey reported that there had been a lot of interest in the Committee. Board Member Bracken wanted to make sure there was enough participation. Mr. Tingey envisioned that there would be a list of individuals from each district. Two would be selected for submission to the Board. He noted that there would be two members from each Council District and two appointed by the Mayor. There was also a suggestion that there be an at-large representative that the City Manager would submit recommendations for. Board Chair Weichers explained that the proposed format would be submitted to the Consultant, who would provide additional feedback about the approach.

Board Member Birrell expressed concerns about having 12 members on the Committee. She noted that the Consultant might determine that there are three distinct areas of focus. For instance, business and multi-mixed use, public engagement, and mobility. The Consultant may be supportive of subcommittees. In that instance, people with expertise in mobility could focus mainly on that work. Her concern with limiting the Committee Members to 12 was that there would only be four people on the potential subcommittees. Board Member Birrell also thought it would be worthwhile to have representatives from existing committees, such as the Historic Committee. She felt that a number closer to 21 would make more sense for the Committee.

Board Member Newell reported that he served on a number of Advisory Committees and their responsibility was to take the information, meet with community members, and bring back the responses for consideration. The Advisory Committee is responsible for reaching out and making sure additional people are involved in the process. It is important to obtain feedback. Board Member Bracken believed each person should choose three or four possible Committee Members so there is some flexibility. Mr. Tingey clarified that there was not a formal list of interested residents compiled at the current time but people had reached out with interest. It would be possible to start a list with those names. In addition, he asked each Board Member to consider possible options for consideration within their districts.

Board Chair Weichers was interested in hearing from the Consultant about the process moving forward. He pointed out that the Consultant would likely have a better idea of what the ideal number of Committee Members would be. Board Member Newell reiterated the importance of Committee Members being willing and able to reach out to others to share information. Mr. Tingey noted that the plan was to have another discussion about the Advisory Committee on August 15, 2023. However, it was possible that it might occur during the first week of September.

### **3.0 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 such time as 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.*

### **4.0 ADJOURN.**

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

The CDRA Meeting adjourned at 6:26 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, AUGUST 1, 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 Shawn E. Newell, 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; Community and Economic Development Director, Michael Johnson; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jurgens; IT Manager, Matt Ervin; UFA Assistant Chief, Riley Pilgrim; Public Works Director/City Engineer, Matt Shipp

**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 Records, Culture, and Human Resources Director, Paula Melgar.

**3.0 CITIZEN COMMENTS**

*Mike Falk* shared comments from 7:04 p.m. to 7:06 p.m. He has lived in Cottonwood Heights since 1976 and wanted to discuss traffic in the City. 2325 East is a street that is used by students and as a cut-through street. Most people who drive on the street do not actually live there. As a result, there was not a lot of care. Noise and speeding are out of control. Mr. Falk explained that there have been many discussions over the years about the issue. While the City has done a few things to address traffic, more needs to be done. He hoped it would be possible to create a plan to control traffic there. He understood that it would likely not be possible to reduce the noise but it would be possible to slow vehicles.

*Nancy Hardy* shared comments from 7:06 p.m. to 7:07 p.m. She noted that during the public comment period most people who made comments or asked questions did so in a general manner. The City later emailed a response. She wondered if it made sense for the responses to be public since the comments were part of the public record. Other people might be interested in hearing the answers. She suggested that responses be added to the Meeting Minutes in the future.

*Larry Larsen* shared comments from 7:07 p.m. to 7:09 p.m. He wondered why Tavaci wants to be in Cottonwood Heights. He asked if there are certain benefits or if there was an expectation that Cottonwood Heights will maintain the roads, bridges, and other services. It is a gated community and he believed that private gated community should maintain their own roads and handle their own snow removal. Cottonwood Heights should not take that on. Mayor Weichers



explained that whether or not Tavaci will be incorporated into the City will be a legislative decision and those exact questions will be asked and considered by decision makers.

*Kayla Lengyel* shared comments from 7:09 p.m. to 7:13 p.m. She lives on Summer Oaks Circle and was interested in the Hillside Plaza Redevelopment Project and the Advisory Committee. She listened to the CDRA discussion earlier about how many members should be on the Committee and felt there needed to be additional discussions about what will be required of the members. For instance, the frequency of the meetings and the level of power the Committee will have. All of that needs to be determined before the number of Committee Members is finalized. Ms. Lengyel liked the comment shared by Council Member Birrell about subcommittees. She stressed the importance of there being a lot of involvement and engagement. Additionally, she felt it was important that the Committee as a whole be diverse so there were a lot of perspectives shared.

Ms. Lengyel suggested that there be crosswalks near the Smith's plaza on the far corners. Council Member Birrell asked for more specificity about where the crosswalk or striping should be placed. Ms. Lengyel proposed Chadbourne Drive on Bengal Boulevard. On 3500 East, something near Summer Oaks Circle, or the street above would be ideal. A lot of people walk through the area.

*Bryan Issac* shared comments from 7:13 p.m. to 7:15 p.m. His concern had to do with the annexation of Tavaci. He pointed out that Tavaci only has one exit and he wondered if the City would be exposed to litigation if there is an emergency and emergency vehicles are unable to access the area. He also noted that the entire subdivision is built on gravel. He wanted to make sure Cottonwood Heights is not being exposed to litigation. Mr. Isaac asked how the interests of the residents will be protected with the potential annexation. He also wanted to understand what the advantage is to Tavaci and why there was an interest in joining the City.

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

#### **4.0 PUBLIC HEARING**

##### **4.1 Proposed 2023-2024 Budget Amendment.**

Administrative and Financial Services Director, Scott Juges, reported that there had been a request for \$1,000 toward the Cottonwood Heights Recreation Service Area for low-income youth to participate in a football league. This would benefit the community and allow for participation.

Mayor Weichers opened the public hearing. There were no comments. The public hearing was closed.

#### **5.0 PUBLIC COMMENT**

##### **5.1 The City Council will Receive Public Comment on the Proposed Sensitive Lands Evaluation and Development Standards ("SLEDS") Ordinance.**

Community and Economic Development Director, Michael Johnson, shared information about the proposed Sensitive Lands Evaluation and Development Standards ("SLEDS") Ordinance. He

reported that a revised draft was published online last week. Notifications were sent to those who attended the Town Hall Meeting in February, which related to the riparian regulation portion of the Ordinance. There was now a desire to hear additional public comments.

Mr. Johnson noted that a few substantial changes had been made since the previous draft. This included the Riparian Protection Standards. A presentation was made during the Town Hall Meeting in February that was subsequently made to the City Council. It was also published online. The changes were in line with what was presented at the Town Hall Meeting and what was discussed numerous times since then. In addition, some procedural clarifications had been made. This included terminology related to the Development Review Committee (“DRC”) as well as meeting notes and documentation. There was also a new section of the Ordinance that pertained to Slope Development and Exceptions Related to Wasatch Boulevard. It was clarified that Wasatch Boulevard in that context means SR-190 and SR-210. Council Member Birrell appreciated all of the work done on the SLEDS Ordinance.

Mayor Weichers opened the public comment period.

*Will McCarvill* shared comments from 7:20 p.m. to 7:23 p.m. He gave his address as 3607 Golden Hills Avenue. Both Mr. McCarvill and Woody Noxon believed the SLEDS Ordinance was looking better. That being said, he wanted to share some comments related to the DRC definition. He pointed out that the SLEDS Ordinance is special due to safety and liability concerns. As a result, he was concerned about maintaining a clear history when development progress is detailed. Mr. McCarvill submitted a handout where the white section was what was included in the Ordinance, the pink section is based on discussions Mr. Noxon had with Mr. Johnson and the yellow section was a suggestion from Mr. McCarvill and Mr. Noxon. The suggestion was that Meeting Minutes be required for meetings where decisions were made and actions were either taken or proposed. If there were general discussions, Meeting Minutes would not be required. In addition, he suggested that the SLEDS DRC create an Executive Summary that would include the meeting date and time, individuals present, topics discussed, as well as recommendations, approvals, and action items. The Executive Summary should be available for the public to read.

*David Berry* shared comments from 7:23 p.m. to 7:27 p.m. He thanked the City Council and Staff who reached out to him about the SLEDS Ordinance. Mr. Berry believed there was a public comment period at the current City Council Meeting and another one scheduled in two weeks. This was confirmed. Mr. Berry felt that it would be proper procedure for all of the comments to be put together in a final format and made available for one more comment period. He also asked that written notices be sent to those who live in the Riparian Zone. It was important that those who live there be noticed appropriately of the SLEDS Ordinance. Mr. Berry expressed concerns about the section of the Ordinance related to cutting down a tree. To do so, it needs to be a hazard, which he did not believe was an appropriate regulation.

*Doug Shelby* shared comments from 7:27 p.m. to 7:29 p.m. He explained that he is involved with Walker Development which owns just over 4,000 feet of Big Cottonwood Creek bank. If there is a shift from 20 to 80 feet, that means six acres of the Walker Development property will be taken. That is not something he was willing to tolerate. Mr. Shelby explained that the intention was to

create a quality product when development occurs. He had concerns about the proposed SLEDS Ordinance revisions, especially with respect to distancing.

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

**5.2 The City Council will Receive Public Comment on the Proposed Rezone of 3.049 Acres of Realty Located at 6581 South Big Cottonwood Canyon Road from Foothill Residential (“F-1-21”) to Residential Single-Family (“R-1-8”) and Amend the Zoning Map Ordinance.**

Mr. Johnson shared information about a proposed rezone for property located at 6581 South Big Cottonwood Canyon Road. He reported that the subject property is a 15-acre parcel but the portion of the property that is under consideration is 3.049 acres. The request was to amend the current land use designation from Mixed-Use to Residential Low-Density and amend the current zoning from Foothill Residential (F-1-21) to Residential Single-Family (R-1-8). In tandem with the rezone request, there was a request to move the boundary line so the rezone would reflect the three-acre portion and not the 15-acre portion of the property. City Staff recommended that the approval be conditioned on the lot line adjustment being executed and recorded first.

Mr. Johnson reported that the undeveloped cul-de-sac area was originally labeled as the future Phase 2 of the Canyon Creek Estates Subdivision, which was recorded in the 1990s. The cul-de-sac was built and some infrastructure was built within it. That showed that the intention was always to develop the area as additional single-family residential use that matches the subdivision. The item was reviewed by the Planning Commission in July. There were public comments received at that time but all of the comments were in support of the request. Staff and the Planning Commission recommended approval. He reminded Council Members that there would be two different votes with one for the land use amendment and one for the zoning map amendment.

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

**6.0 ACTION ITEMS**

**6.1 Consideration of Ordinance 399 - Adopting an Amended Budget for Fiscal Year 2023-2024.**

Mayor Weichers reported that the first Action Item on the agenda was related to the amended budget for Fiscal Year 2023-2024. The item was discussed during the Work Session. Council Member Bracken was supportive of the amendment but suggested that there be discussion about establishing a policy for these types of requests. He felt there should be standards in place.

**MOTION:** Council Member Newell moved to APPROVE Ordinance 399 – Adopting an Amended Budget for Fiscal Year 2023-2024. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Aye, Council Member Bracken-Aye, Council

Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**6.2 Consideration of Ordinance 400-A - Approving a General Plan Amendment for 3.049 Acres of Realty at 6581 South Big Cottonwood Canyon Road from Mixed-Use to Residential Low-Density.**

Mayor Weichers reported that the above item relates to a General Plan Amendment for 3.049 acres at 6851 South Big Cottonwood Canyon Road from Mixed-Use to Residential Low-Density.

**MOTION:** Council Member Holton moved to APPROVE Ordinance 400-A – Approving a General Plan Amendment for 3.049 Acres of Realty at 6581 South Big Cottonwood Canyon Road from Mixed-Use to Residential Low-Density, with the condition that the lot line adjustment must be executed and recorded first. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Bracken-Aye, Council Member Holton-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**6.3 Consideration of Ordinance 401-A - Approving the Rezone of 3.049 Acres of Realty at 6581 South Big Cottonwood Canyon Road from Foothill Residential (“F-1-21”) to Residential Single-Family (“R-1-8”) and Amending the Zoning Map.**

Mayor Weichers reported that the above item pertains to a rezone at 6851 South Big Cottonwood Canyon Road from Foothill Residential (F-1-21) to Residential Single-Family (R-1-8).

**MOTION:** Council Member Bracken moved to APPROVE Ordinance 401-A – Approving the Rezone of 3.049 Acres of Realty at 6581 South Big Cottonwood Canyon Road from Foothill Residential (F-1-21) to Residential Single-Family (R-1-8), with the condition that the lot line adjustment must be executed and recorded first. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Bracken-Aye, Council Member Holton-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**6.4 Consideration of Resolution 2023-43 - Approving and Accepting a Grant From the Utah State Historic Preservation Office.**

Mayor Weichers reported that the above item relates to a grant from the Utah State Historic Preservation Office. He noted that the matter was discussed during the Work Session. Council Member Birrell thanked those involved in obtaining the grant. She was very impressed by the work done.

**MOTION:** Council Member Birrell moved to APPROVE Resolution 2023-43 – Approving and Accepting a Grant From the Utah State Historic Preservation Office. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Bracken-Aye, Council Member Holton-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 Minutes of the City Council Work Session, CDRA Meeting, and City Council Business Meetings of July 11 and 18, 2023.**

**MOTION:** Council Member Holton moved to APPROVE the Consent Calendar. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Bracken-Aye, Council Member Holton-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**8.0 ADJOURN CITY COUNCIL BUSINESS MEETING**

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

The City Council Meeting adjourned at 7:40 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, August 1, 2023.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: August 15, 2023