

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, SEPTEMBER 5, 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 Ellen Birrell, Council Member Matt Holton (via Zoom)

**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 Jurges; IT Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

**1. WELCOME – Mayor Weichers.**

Mayor Mike Weichers called the Work Session to order at 4:00 p.m. and welcomed those present.

**2. REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.**

The Business Meeting Agenda items were reviewed and discussed. Mayor Weichers stated that the agenda was short deliberately because it was election night. Following the Pledge of Allegiance and Citizen Comments there were three Action Items on the agenda. The first Action Item was Consideration of Ordinance 402 – Establishing Temporary Land Use Regulations for Non-Vegetative Outdoor Playing Areas and Commencing Proceedings to Amend Ordinances. Mayor Weichers explained that the City Council would not move forward with the item unless there was a consensus or there appeared to be majority support based on the discussions.

The next Action Item was Consideration of Resolution 2023-46 – Approving a Consulting Agreement with Bowen Collins & Associates, Inc. for Storm Water Design Services. Public Works Director/City Engineer, Matt Shipp explained that when there is an extraordinary amount of rain, a large volume of water comes down Creek Road in the area of Peppers Hill. As a result, there will be a design with inlets along Creek Road to pick up more of that water. It will take it off of the road and put it into a pipe. Mr. Shipp reported that there is a 30-inch pipe going down the road. The intention was to pull the water off the road and into the pipe faster to avoid damage down at the bottom. The contract was related to the stormwater design.

The last Action Item on the Business Meeting Agenda was Consideration of Resolution 2023-47 – Approving Entry into an Interlocal Agreement with Various Jurisdictions of Grants Under HUD Programs. Community and Economic Development Director, Michael Johnson, reported that there was an Interlocal Agreement that the Council signed a few months ago to participate in the urban county program that dispersed community development block grants (“CDBG”) funds from Salt Lake County to cities. As that process moved forward, there were a few cities that chose to be their own funding source or receive funds directly and administer the program in their own way. Due to technical changes in the way a few of the other cities were participating, the County asked

that an updated Interlocal Agreement be signed. City Manager, Tim Tingey explained that Cottonwood Heights wanted to be part of the program.

The last item on the Business Meeting Agenda was the approval of the Consent Calendar.

**3. SHORT-TERM RENTALS – Utah State Representative, Gay Lynn Bennion.**

Utah State Representative, Gay Lynn Bennion, was present to discuss short-term rentals. Representative Bennion explained that housing has been a priority for her in the Legislature. A report indicated that there was an increase in short-term rentals throughout the State, particularly in areas that had recreation nearby. This impacted the availability of housing. Representative Bennion explained that short-term rentals took long-term rentals and homes out of the market.

One of the members of the Planning Commission suggested a bill back in 2022 that Representative Bennion ran. That bill would have given cities the ability to have a mandatory minimum. The bill was not heard in a Committee because it was late in the Session. There was also a Short-Term Rental Working Group during the last interim Session that she had been able to serve on. There was not an interim Short-Term Rental Working Group this Session but she continued to talk about what could be done at a State level. As a result of the bill she ran in 2022, she had been in contact with a national expert named Julie Davies. Ms. Davies is a Utah native who lives in Nevada. Representative Bennion trusted her experience. The goal was to have the best ordinances possible in municipalities. Short-term rentals will not go away; however, there was a desire to limit them so that they do not negatively impact neighborhoods. She reported that Ms. Davies worked with Brighton on their ordinance and saw the impacts of short-term rentals.

Ms. Davies provided 11 pages of feedback on the Cottonwood Heights ordinances. Representative Bennion hoped City Staff would look through that in detail. There were five broad areas to discuss in terms of potential improvements. One idea was to make it very clear that the owner of the short-term rental is responsible for anything that happens. The owner is a business owner and should have a license and permit. Even with an LLC or trust, an individual in that LLC or trust should ultimately be responsible for that property. If there is a property manager, the City could determine that the manager needs to have a license with the City as well. Those kinds of ordinances would remove the burden from law enforcement. The property owner and the local contact should be held responsible for any property-related issues.

Many cities like Cottonwood Heights, have certain zones that do not allow short-term rentals. In many cases, short-term rentals are happening illegally in those zones. It was recommended that cities look at where demand is being filled. From there, it might be possible to grandfather in rentals or change zones to allow for some of that to happen. It would be better for existing rentals to be in compliance and have contact with the City. Representative Bennion explained that if a property owner is working with the City, it would be easier to address enforcement issues. It was suggested that the City look at where hosting is currently taking place.

Mr. Tingey discussed properties with illegal short-term rentals. He did not believe it was appropriate to grandfather those uses in because those properties were not in compliance. Grandfathering occurs when something is established legally and then the ordinances change. If

something is done illegally, it is not possible to grandfather in that use. Short-term rentals are allowed in Cottonwood Heights in certain places. However, there are issues when short-term rentals are established in areas where they are not legally allowed. Council Member Holton believed the onus should be on the platforms. If individuals are not licensed and zoned, those properties should be removed from rental platforms. As for potentially grandfathering in an illegal use, he agreed with the comments shared by Mr. Tingey.

Representative Bennion explained that whether a use is grandfathered in or the zones are changed, it is important for the City to consider ways to encourage illegal short-term rentals to come forward in some way. Filling the demand with properly operating short-term rentals would push out the illegal short-term rentals. They would not necessarily need to be owner-occupied.

Something else that would benefit the Cottonwood Heights City Code was to add language to state that only one reservation group can be in a unit per day. Representative Bennion reported that she heard from someone in Cottonwood Heights about a property that added three kitchens to a residential home where short-term rentals are not allowed. If it specifies in the Code that there can only be one reservation group per unit per day, there would be a clear violation if someone were renting out a home to multiple reservation groups at the same time.

As for short-term rentals in apartments and condominiums, if there are concerns about housing and affordability, apartments should not be permitted for short-term rentals. Representative Bennion noted that the final suggestion from Ms. Davies pertained to education. It was determined that short-term rental education for owners and managers is useful for Code compliance and enforcement. If people understand their responsibilities, the problems are reduced. Courses were approved and a growing number of cities are requiring city-approved short-term rental education for applicants and designated local contacts. This helps with Code compliance. Representative Bennion noted that there are more specific suggestions included in the 11 pages of feedback that were submitted. She asked that it be considered by the City.

Representative Bennion was aware of many existing issues and was interested in hearing feedback from the Council Members. Council Member Bracken wondered if it would be possible for the State to require a notation on property listings to state whether the property has a Business License or registration of some sort. That could inform users of whether a short-term rental is operating legally within a municipality. Representative Bennion noted that this had been discussed. She liked the idea and was in full support of that kind of information being shared on property listings.

Council Member Newell asked if the State had talked about putting together some sort of registration process when a residence is rented, which will eliminate a lot of the reservation issues. For instance, it is easier to track activities and the number of rentals. Representative Bennion took note of that suggestion. Mayor Weichers expressed concerns about placing additional restrictions when it is already difficult to enforce what is in place. He believed something needed to be passed at a State level to assist cities before cities place additional restrictions. Representative Bennion wondered if it would be possible for the City to enforce language that only permitted one rental per unit. Mayor Weichers was not sure there would be resources available to do that. He suggested changes be made at a State level.

Representative Bennion noted that there had been discussions in the Short-Term Rental Working Group about remitting taxes. The owner should be responsible for paying the taxes and there should be transparency about each property. Additional discussions were had about taxes. Council Member Holton did not think the responsibility could be completely removed from the rental platforms. Unlicensed and illegally operating properties were being given a marketplace by those platforms. Mayor Weichers agreed and felt that some changes needed to be made. He hoped Representative Bennion would be able to encourage change on a broader scale.

Council Member Birrell noted that enforcement is a tremendous burden on cities. She appreciated that Representative Bennion was interested in understanding the challenges in Cottonwood Heights specifically. She hoped there would be additional discussions at the State level so there would be tools to assist municipalities. Representative Bennion acknowledged that some people who do short-term rentals do so to assist with their bills. She understood many of the challenges and reiterated the need for more affordable housing. Council Member Holton did not believe the issue was with people who were trying to supplement their income but with the properties that were purchased for the sole purpose of housing short-term rentals.

**4. WASATCH FRONT WASTE AND RECYCLING DISTRICT REPORT – General Manager/CEO Pam Roberts.**

General Manager/CEO of the Wasatch Front Waste and Recycling District (“WFWRD”), Pam Roberts, was present to share information with the Council. She intended to discuss the services that are provided for the residents of Cottonwood Heights. She reported that there are approximately 86,000 homes in the District and many of those homes are in Cottonwood Heights. Ms. Roberts recognized Council Member Bracken and stated that he has been a long-time Board Member for the District and was one of the founding Board Members when the WFWRD first separated from Salt Lake County and became a District. He did a wonderful job of representing the residents of Cottonwood Heights and looking at the District-wide services.

Ms. Roberts stressed the importance of recognizing employees within the WFWRD and having safety incentives in place. She reported that the Annual Garbage Person Day Celebration takes place each year. There is a food truck that comes out to the offices on site and employees are celebrated for their hard work. She reported that the waste and recycling industry is among the top six most dangerous jobs in the United States. This makes it especially important to recognize employees for their efforts and dedication. Ms. Roberts recognized several employees and explained that employees are the most valuable resource.

There is a shortage of CDL drivers nationwide but there are incentives for employees to go to school, take certain courses, and develop their skills. Ms. Roberts recognized James Kelsey, Oliver Balanzar, Rae Parry, Alex Hoppus, Colby Sylvester, and Dellis Larrabee. The Board approved an Apprentice Program, which is a formal training program with two spots available. To be eligible, an applicant needs to be 18 years or older, have a valid driver’s license, and pass the Utah Department of Transportation (“UDOT”) physical. A Training Coordinator oversees the program and there are two Trainers involved. There are a lot of advancement opportunities internally.

Council Member Newell wondered if there had been positive impacts on retention. Ms. Roberts confirmed this and explained that there is a desire to see employees stay and advance. Council Member Birrell asked how many employees there are. Ms. Roberts reported that there are 99 full-time employees and 65 of those positions are Equipment Operator positions. There were 10 driver vacancies more recently but three of those positions had been filled. It is difficult to find individuals with Commercial Driver Licenses (“CDL”) and there has been a need to pull from other markets. Two long-haul truck drivers started with the District and will do extra training to get used to the equipment.

Ms. Roberts shared District updates and reported that a new Human Resources (“HR”) Manager, Hazel Dunsmore, has begun working for the WFWRD. The former HR Manager had moved on so Ms. Dunsmore moved into that position. She has a lot of experience and understanding. Ms. Roberts discussed the current staffing levels and stated that there are staffing issues currently but she was confident that the vacant positions will be filled through the Apprentice Program and recruitment efforts. With the current staffing shortages, the Trailer Rental Program was postponed. She explained that the program allows residents to phone the District and rent a trailer. It was postponed until the end of September. As for the Scrap Program, there are four vacancies in that particular program. The hope was to have at least 10 seasonal drivers but only six had been hired. The ground crew was full at four positions.

Information was shared about customer satisfaction. Ms. Roberts reported that the District is revamping the Landfill Vouchers. They would still be available but there was a desire to make them electronic so residents can scan a QR code off of the website. There would still be paper versions available at City Hall but the idea was to start to move to a paperless system. Ms. Roberts reported that there is a chatbot on the website. It was a way residents could have certain questions answered 24 hours a day. She shared examples of commonly asked questions. Something being done to reduce overall costs was to continue to focus on route accuracy.

Ms. Roberts shared charts representing what was picked up in Cottonwood Heights and District-wide. In 2023, the Landfill Vouchers were better utilized than in the past. As for recycling tonnages, a decline was seen over the last three to four years. She believed some of that was related to the COVID-19 pandemic because the District was not able to get out and educate residents about what is appropriate to recycle. There was still a lot of confusion from residents about what can be recycled. There was a desire to increase educational efforts moving forward. Council Member Birrell asked about the contamination rate. Ms. Roberts reported that the recent sorts indicated there was a less than 20% contamination rate.

Council Member Birrell noted that the District website contains a lot of excellent information and pictures. However, there was still some confusion about what would contaminate recyclables. Ms. Roberts reported that there is an app that shares collection date reminders. There was also a tool on the app related to recycling. It is possible to look up any specific item for clarification. There was discussion regarding what can and cannot be recycled. Information was shared about possible types of contaminants. For example, if soda is left in a bottle, that liquid could spread to other items and contaminate different recyclable materials. Food and drink items need to be emptied. The Council discussed plastics and what to do when recycling plastic bags.

Ms. Roberts reported that the cost of processing the recycling had increased. More was being paid per ton to have materials recycled than if those items went to the landfill. That happened approximately three or four years ago. Residents were surveyed at that time but there was a desire to maintain the program. Fees were raised coming into the year. The Board discussed recycling and it is possible to cut costs by switching to bi-weekly but there would be impacts to customer service and it could create customer confusion. In addition, it would not be possible to divert as much waste away from the landfill. It was important to think about things long-term.

Council Member Birrell wondered if there was a desire for the various waste management companies to create a uniform color system for receptacles. That could eliminate some confusion. Ms. Roberts explained that the colors depend on the municipality or vendor providing the service. The cans have been in place for decades so making a change could create unwanted confusion. There was discussion about the replacement costs for cans. The cans are considered assets. Council Member Birrell was interested in a phased approach for more uniformity.

Ms. Roberts discussed the Seasonal Container Reservation Program (“SCRCP”). Changes were made to the program in the last several years due to CDL shortages. It was still a popular program and with the staffing available, 1,007 containers are delivered during 15 days in Cottonwood Heights. That equates to 10% of the total number of homes serviced in the City. 750 tons of waste was collected, which was 0.74 tons per container. There were also 177 mattresses, 17 refrigerators, and 34 tires collected from residential properties. Ms. Roberts reported that when staffing is available, there can be trailer rentals. There is also a green waste trailer available.

Council Member Birrell noted that some residents expressed frustration about commercial pickup trucks or others dumping items into their container. In Sandy City, items placed curbside are picked up during a certain week in the summer. She wondered what the cost comparison was per household for a program like that versus requesting the trailer. Ms. Roberts reported that the SCRCP costs approximately \$1.2 million per year on a District-wide level. The Sandy City program was a very different program. Ms. Roberts understood that anything out on the street needs to be picked up within 12 to 24 hours for storm drain protection. The benefit of the container was that everything was contained. Council Member Birrell noted that when items were left out curbside, people in need were often able to obtain lightly used items. There was a benefit in the sense that items could be reused rather than everything being taken to the landfill.

Council Member Holton thanked the District for focusing on customer service. He engaged with the WFWRD in the past and it had been a positive experience. He reported that the chatbot was very helpful. Council Member Holton asked about the older demographic in the community. He noted that there are a lot of cul-de-sacs and elderly neighbors need to take the cans to the middle of the cul-de-sac. For the ease of the trucks, that makes sense but it is difficult to do for certain residents. He wondered if there were ways to assist those with difficulties moving cans to the middle of the cul-de-sac. Ms. Roberts explained that there was the Assist Program, which is specifically for people with mobility issues. Residents can phone the office and inform them of those issues. The drivers assist with the cans and return them to the house. Those residences are marked on the route maps for drivers so it is clear where those services need to be provided.

Council Member Holton asked what kind of documentation is required for the Assist Program. Ms. Roberts stated that interested residents can phone the District. From there, a few questions would be asked and logistics discussed. There was a desire to take care of residents who need additional assistance. Council Member Holton wondered if it was possible to offer this on a seasonal basis because some residents can pull out the cans when the weather is dry but are unable to do so when there is snow outside. Ms. Roberts believed it would be possible to do it that way. There would need to be a note added to the route maps. Council Member Holton thanked her for the information and reiterated his appreciation for the level of customer service.

Ms. Roberts shared additional information about the diversion rate. There are other ways the WFWRD tries to divert waste away from the landfills. This includes recycling but also green and glass subscriptions. It was noted that the container at the Public Works Building needs to be moved and is in a temporary location currently. Recently, she received the terms from the Whitmore Library and was determining how to get that moved to the new location as quickly as possible. The Library wants to make sure that the WFWRD is responsible for keeping it serviced and clean. She reported that Cottonwood Heights has a 20% diversion rate, which is impressive. The goal as a district is 18%, so she was impressed by what has been done in the community.

Recycling updates were shared. Ms. Roberts reported that there is a new recycling flyer that is available on the City's website. She reported that a sticker campaign was launched but Cottonwood Heights was not part of that effort. The intention was to target areas that require additional education about what can be placed in the blue can. Education and personal contact were attributed to increasing the recycling rates. Ms. Roberts explained that the WFWRD is very focused on risk management. It is possible to reduce costs by keeping the claims low. The District is fully insured by the Utah Local Governments Trust. A graph was shared and she noted that the District is trending in the right direction. Additionally, safety incentives were provided to employees as a result of safe days, individually and by team.

## **5. STAFF REPORTS**

### **a. Cottonwood Heights Butlerville Days Wrap-Up – Culture Manager, Ann Eatchel.**

Culture Manager, Ann Eatchel, shared information about Butlerville Days and reported that the event was a success. She commented that moving the Car Show to Friday night worked well and would be done again in the future. There were 110 entries. There were approximately 150 entries for the Painting in the Park and the Arts Council had done a wonderful job. As for the Chalk Art Contest, there were a lot of entries but only 35 people attended because of the heat. The Parade had approximately 64 entries. The entries for Bingo had not been counted because more people continued to arrive. Participants filled the entire tent. The crowd on Thursday night was more like the Friday night crowd, which she believed was the result of advertising for Thursday, Friday, and Saturday.

The fireworks on Saturday were a success. Ms. Eatchel noted that the Butlerville Days Committee talked about having something extra on Saturday since the date of the Car Show had been moved. There had been discussion about moving Bingo to Saturday afternoon as a result. Mayor Weichers

noted that there had been a good deal on the drum show. He wondered if that was something that would be possible for future years as well. Ms. Eatchel reported that there was a desire for them to come back. She would reach out to see what the cost would be.

The revenues and expenses were discussed. Ms. Eatchel reported that inflation increased and the costs were 10% to 15% more than the previous year. She was able to negotiate with certain companies to bring down the costs somewhat, but certain items were non-negotiable, like the tents. A lot of the costs for necessary items had increased significantly. Ms. Eatchel informed the Council that the Carnival made \$28,700. \$14,200 was brought in from vendors. \$16,000 was from sponsorships. The total revenue was approximately \$58,700. The event expense numbers were not finalized but it was estimated to be \$112,600. The previous year was \$95,000. Ms. Eatchel thanked the Police Department for their efforts as well as the Public Works Department, Accounting Department, Unified Fire Authority (“UFA”), and all City Staff who assisted. Mayor Weichers noted that the revenues offset approximately one-half of the cost, which was good. There was discussion about the level of attendance and the increased visitation on Thursday.

Ms. Eatchel asked if there were any suggestions for improvements. Mayor Weicher pointed out that there were professional crowd estimators. He asked how many people attended the event overall. Mr. Tingey noted that there had been some comments about the time of the Parade. Ms. Eatchel explained that there had been discussion in the past about potentially moving it to 9:00 a.m. if possible. There was support for that idea.

**b. Sports Court Regulation Moratorium and Pending Ordinance Discussion – City Manager, Tim Tingey and Community and Economic Development Director, Michael Johnson.**

Mayor Weichers referenced comments that residents shared about pickleball courts at the last meeting. To move forward with a moratorium, there would need to be a consensus or a majority level of support from the City Council. Council Member Bracken pointed out that there had been moratoriums in the past. They allow the City to take up to six months to decide what is desired. This makes it possible to have discussions and make amendments without new applications coming in. Mr. Tingey noted that current applications would not be impacted by a moratorium. A moratorium would impact anything newly proposed after memorandum adoption.

Mr. Johnson reported that the City received a number of recent complaints about one particular sports court project. A resident was building a pickleball court and started construction without obtaining the required permits. The work stopped but the resident had since received a permit with a lot of modifications from what was originally being constructed. There had been an increase in calls about pickleball courts being built in the community. The most common concerns related to lighting and noise. Mr. Johnson explained that there was a desire to have a City Council discussion about whether the current ordinances were sufficient or if a moratorium should be placed. The moratorium would impose a restriction on the construction of certain residential sports courts for a limited period of time in order for the City Council to adopt an ordinance addressing the use.



Mr. Johnson explained that there are many different types of sports courts, including tennis, basketball, and pickleball. There are also combination courts. There is some flexibility with regard to how the courts can look. For instance, some might have large light structures and others may not have any additional lighting installed. The City Code does not specifically regulate sports courts. However, other ordinances impact sports court construction. One example was the Outdoor Lighting Standards. The lighting standards are fairly strict and there are limits on how bright a bulb can be. The overall site illumination is measured in lumens per acre. East of Wasatch Boulevard, it is required that the number be cut in half. In the eastern foothills of the City, the total allowed illumination for a one-acre property would only be one-half acre worth of lighting. As for the court that generated comments at the previous meeting, that permit was issued without lighting. The lights the property owner wanted did not meet the Code and there was no applicable variance process. As a result, the lighting was removed from that particular proposal and no lighting was currently proposed.

Mayor Weichers wondered if the current ordinance was grandfathered from the County passed by the Council. Mr. Johnson reported that the City adopted the Outdoor Lighting Standards in either 2019 or 2020. It was a residential lighting standard that would apply to sports court lights as well. Council Member Birrell discussed light pollution within the community. If there was a way to only have the light shining down on the court, the neighbors would likely be more supportive. The issue is when the light bleeds out. Mr. Johnson pointed out that lighting means the use would continue to occur after dark, which could also be of concern.

Council Member Birrell understood the frustration when neighboring lights shine onto a property. She was not sure how the Outdoor Lighting Standards control that. Mr. Johnson explained that when projects follow the Ordinance, it is unlikely that there will be issues and not a major nuisance. Council Member Birrell asked if the sports court that had caused the outrage had followed all Ordinances. Mr. Johnson explained that the original proposal did not. A permit has been issued but did not include lighting. He reiterated that the lighting was removed from the proposal. Mr. Johnson believed outdoor lighting is fairly well regulated in the current language.

Another applicable ordinance pertained to fencing. Mr. Johnson discussed the Fencing Standards and stated that fencing on property lines is allowed to be six feet. It is possible to build a six-foot fence on the side and rear without permits. The material of the fencing is not regulated. It can be increased up to eight feet with Conditional Use and Building Permits. It is also possible to increase it to 12 feet with a Conditional Use Permit and signed neighbor consent. The Ordinance has been in place since approximately 2017. If the fencing is set back from the property lines, the fencing height can increase to 14 to 20 feet with a corresponding three to nine-foot setback and a Building Permit. There had not been a lot of complaints about sport court fencing but the existing Fencing Standards were related. There was discussion about fencing regulations.

Mayor Weichers wondered if netting is permitted. Mr. Johnson explained that it is unclear in the Ordinance. If it is a permanent structure that is acting as a barrier between properties, he believed it would be interpreted as a fence. There are not a lot of issues within the Fencing Standards but he noted that eight to 10 feet is normally desired for a sport court.

In certain areas of the City, there is a provision pertaining to Sensitive Lands that could come into play. In areas where there are steep slopes or a lot of groundwater, there are limitations on the amount of impervious surface that is allowed on a property. There is a limit of 30% of the total site area for impervious surfaces; however, that does not apply everywhere in the City. It only applies in high-ground water and steep-slope areas within the community. That language was included in the Impervious Surface Coverage Standards. In the case of the recent sports court application, the applicant did meet the 30% requirement and agreed to replace the driveway and walkways on the property with pervious pavers instead. That reduced the amount to 30%.

One common sports court concern had to do with noise. Mr. Johnson shared the County Health Code and stated that during daytime hours, it can be 10 decibels above ambient sound, not to exceed 60 decibels. At night, that decreased to a 50-decibel limit that is measured at the receiving property line. Based on studies he found, pickleball noises can reach 70 decibels when measured 100 feet away. It was noted that the science is not exact on noise levels. That being said, the pickleball use can be loud and exceed the 60-decibel limit that is permitted during the day. Additionally, the pitch tends to be high, which could be considered an annoyance. He noted that the plastic paddle and ball create a higher-pitched sound that can be disruptive.

Mr. Johnson explained that lighting and fencing are mitigated fairly well through the current ordinances. Additional restrictions could be considered if desired by the Council. If the City Council does not believe the lighting standards are satisfactory, there could be language added to prohibit sports court lighting specifically. Noise is best regulated through proximity requirements as opposed to limiting hours of play or requiring sound-dampening equipment. He commented that it is difficult to enforce limitations and certain types of equipment. Establishing a minimum setback from adjacent properties is much easier to regulate. There are other ways to dampen sound, such as fencing materials, vegetation, landscaping, and tree planting.

Staff recommended a reasonable approach that would establish a minimum distance from the court to the adjacent structures. This would allow the noise to dissipate a little bit. Reasonable mitigation measures could be recommended as well, such as fencing or vegetation. Ultimately, the City Council will decide if it is appropriate for there to be a moratorium. That would give the City six months to put new standards in place. Council Member Birrell wondered how many sports court applications are currently being processed. Mr. Johnson reported that there are two or three.

Mayor Weichers expressed concerns about residents renting out sports courts, which could result in vehicles being parked in residential areas. He wondered if there was a way to address rentals through the language. This was confirmed. Mr. Johnson explained that it would be possible for the City to prohibit residential pickleball courts from being rented or used for commercial purposes. That might be difficult to enforce but the language could be added. Council Member Bracken asked if teaching would be permitted. Council Member Birrell believed teaching would be the same as renting out the court to others as it would still be for a profit. Mr. Johnson explained that the language could specify that courts are for private residential use only.

There were two options for the City Council to consider. The first was to impose a moratorium where City Staff could work quickly to draft language related to sports court standards. It was also possible to bring forward already planned ordinance amendments that deal with sports courts

and other yard elements. Mr. Johnson stated that the latter was part of a planned ordinance cleanup. They would likely come to the City Council in the next three to six months and can be done with or without a moratorium.

Mayor Weichers did not know if telling someone that they cannot build for six months was appropriate. He did not necessarily believe a moratorium was necessary. Council Member Bracken pointed out that if an ordinance was passed fairly quickly, it would not take the full six months. Six months is the maximum amount of time permitted and not necessarily the amount of time it would take for the City to draft the language. Council Member Birrell was not opposed to a moratorium but was open to hearing the views of the other Council Members. Council Member Newell liked the idea of updating the language but he struggled with the idea of there being a moratorium while that language is drafted. Mayor Weichers agreed. Council Member Holton was not in favor of a moratorium. He was grateful that there are standards in place for lighting, noise, and fencing. It is not just pickleball courts that will be impacted by a moratorium as there are other backyard activities to consider. Council Member Holton believed it was possible to work on language without a moratorium.

There was discussion about future language and possible enforcement measures. Mr. Johnson explained that the City relies on phone calls relative to enforcement issues. Having an ordinance in place would make enforcement possible. Council Member Holton thought that commercial activities on private properties should be a different discussion to pickleball mitigation. He thought there should be separate discussions about the various issues. It was noted that work could begin on the new language, which would go to the Planning Commission first.

**c. Federal Road Projects – Transportation Alternatives Program (“TAP”) Funding – Public Works Director/City Engineer, Matt Shipp.**

Mr. Shipp reported that the City received a notification from the Wasatch Front Regional Council (“WFRC”) that Letters of Intent are due at the end of the month for various projects. Letters of Intent for the grant application are due September 28, 2023. Proposed projects included:

- Fort Union Boulevard – Protected Cycle Track Trail (Between Union Park Avenue and 1300 East).
- Highland Drive Pedestrian Trail & Frontage Improvement Project (Between Fort Union Boulevard and 1-215).
- Bengal Boulevard and 3500 East (Intersection Roundabout Project).
- Danish Road Sidewalk and Safety Project (Monte Luca Way to 8400 South and 8546 South to English Way).
- Creek Road Safety Improvement Project (Between Touring Court and 3500 East).

There was discussion about the proposed projects. Mr. Shipp shared information about the Transportation Alternatives Program (“TAP”). Mayor Weichers noted that there will be additional discussions about the projects at a future Work Session. Council Member Birrell noted that the potential projects are important to her constituents. She wanted to have a robust discussion about

the proposals and was disappointed with the short amount of time allotted to the matter. Mayor Weichers explained that there would be a longer discussion at the next meeting.

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

Mr. Johnson reported that comments were received at the last City Council Meeting related to the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance update. Some concerns were expressed about the trail issue along Little Cottonwood Creek but that had already been addressed. There was no intention for the City to build a public trail along Little Cottonwood Creek. Additionally, some written comments were received about the riparian section. Some minor changes were proposed. City Staff did not agree with all of the suggested changes but many were reasonable and incorporated into a revised draft. Mr. Johnson reported that the revised draft would be sent out for review. Staff was ready with a SLEDS Ordinance and wondered if the Council was comfortable scheduling the updates for action. Mr. Johnson stated that he would share the latest version of the Ordinance with the Council and post it on the City's website.

Council Member Bracken wondered if there should be another public comment period before action is taken on the proposed SLEDS Ordinance updates. Mr. Johnson noted that there would be Citizen Comments during the meeting. He could clearly state in any emails distributed that the item is scheduled for action on September 19, 2023. Comments could be shared during the Citizen Comments portion of that meeting. He offered to communicate that clearly to residents. It was determined that the item would be added to the September 19, 2023, City Council Meeting.

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

- a. **September 26 – 5:00 p.m. – Ribbon Cutting – Ferguson Park at 7725 South Prospector Drive.**
- b. **October 27 – 5:00 p.m. to 7:00 p.m. – Monster Mash at Cottonwood Heights Recreation Center (7500 South 2700 East).**
- c. **October 31 – 3:00 p.m. to 4:30 p.m. – Trunk or Treat at the Cottonwood Heights City Hall Parking Lot.**

The calendar items and upcoming events were reviewed.

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

There was no Closed Session.

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

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

The Work Session adjourned at 6:00 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (“CDRA”) MEETING HELD TUESDAY, SEPTEMBER 5, 2023, AT 6:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM 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 Ellen Birrell, Board Member Matt Holton (via Zoom)

**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; Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

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

Board Chair Weichers called the meeting to order at 6:03 p.m. and welcomed those present.

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

Following a discussion with the CDRA during the previous meeting, the Town Center Master Plan Consultant provided an updated and more detailed Scope of Work related to the public engagement element of the project. It specifically detailed the envisioned Advisory Committee role. City Staff requested direction and input from Board Members so the consulting agreement could be finalized and the Master Plan process could formally begin. Mr. Johnson shared the Community Advisory Committee Role document with the Board. Board Chair Weichers thought the document was clear and could be shared with others. Board Member Birrell wondered how much time would be spent on Committee tasks in addition to the one meeting per month. She believed there was still some additional fleshing out that needed to be done to the document. Additionally, she felt there should be formal familiarization with existing installations. It was important to make things hands-on to set the Advisory Committee up for success.

Board Chair Weichers agreed with the comments shared by Board Member Birrell and thought it made sense to create some sort of estimate so Committee Members understood the amount of time that would be dedicated to the work. He was not sure how that would be determined but an estimate would be beneficial to all involved. Board Member Newell commented that it is difficult to schedule field trips and hands-on experiences due to scheduling conflicts. He did not want the expectations to be so high and deter potential Committee Members. Board Chair Weichers wondered if three to five hours per month was too much to expect. Board Member Newell thought that number was appropriate but stressed the importance of not asking for too much.

Council Member Bracken believed the meetings with the Consultant would be 1 to 1 ½ hours in duration. There would be a lot to learn and discuss during the meetings. Board Chair Weichers wondered if there should be a clear statement about the time expectations. Mr. Johnson was not

sure if that needed to be specifically stated in the document or if it could be communicated during the selection process for the Advisory Committee. He believed that asking for a three to five-hour commitment per month was reasonable as it would ensure that all Committee Members are prepared to attend and participate in the meetings. Some members would likely do more than that. The hands-on work could be optional and allow members to come to meetings and share feedback. Board Chair Weichers asked that the three to five hours be listed clearly on the document. It was confirmed that the information could be included.

There was discussion regarding the Committee Members. Mr. Tingey explained that each Board Member will select two Committee Members. There would be two additional members including one from the Planning Commission and one at-large member. The Board Members expressed support for that approach. Board Chair Weichers wondered if appointments would be voted on. Mr. Tingey explained that the Board will vote on appointments to the Advisory Committee. The names would be submitted individually, there would then be discussion, and a CRDA Resolution once there is comfort with the appointments. Mr. Tingey noted that some residents expressed interest in serving on the Committee but no formal applications had yet been received.

Board Member Birrell asked about the Planning Team referred to in the document. Mr. Johnson clarified that the Planning Team referred to the Consulting Group and members of City Staff. The CDRA is not considered part of the Planning Team. Reports would be shared with the CDRA at regular intervals. The Board would share feedback at that time. Mr. Tingey added that the Parameters Document addressed City Staff support. Board Chair Weichers asked about the timeline for submitting names. It was suggested that information be posted on the City website so those interested could express their interest. Concerns were expressed about the number of interested residents. It was thought that too many applications could slow down the appointment process. Board Member Birrell wanted people to have the opportunity to express interest in joining the Advisory Committee but understood it could create timeline issues.

Board Member Bracken thought that having open houses would be appropriate. It was important for there to be opportunities for the general public to share comments outside the Committee. Mr. Tingey stated that information could be placed on the City website. Ultimately, Board Members would need to share their recommendations. Board Member Birrell wanted to see a lot of different voices, backgrounds, and age groups represented on the Advisory Committee. The importance of hearing from a variety of residents was stressed. There could be discussions about that on a Board level. Mr. Tingey reported that information would be added to the City's website in a few days. Board Member Newell believed there would be a lot of interest in participating on the Committee. Mr. Johnson suggested that those interested briefly describe their interest in serving on the Committee. He confirmed that the three to five-hour time estimate would be added to the document.

### **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 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, SEPTEMBER 5, 2023, AT 7:02 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 Ellen Birrell, Council Member Matt Holton (via Zoom)

**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 Jurges; 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 IT Manager, Matt Ervin.

**3.0 CITIZEN COMMENTS**

Mayor Weichers opened the Citizen Comment period.

*Audrey Pines* discussed the proposed roundabout at 3500 East and Bengal Boulevard and was confused as to why it was included on the list. She did not know anyone who wanted a roundabout in that location. Roundabouts make sense in certain areas but she did not believe it was appropriate in that specific location. She asked that there be additional conversations about the potential projects. Ms. Pines reported that she lives next door to two sports courts. One has proper lighting and play stops at certain times. On the other side, there is a basketball court but the spotlights destroy her ability to enjoy her yard. Noise and light impact others in the neighborhood as well.

*Suzanne Hyland*, who lives in District 2, appreciated the discussions that took place during the Work Session about sports courts but was disappointed that there did not seem to be support for a moratorium. It would not need to take six months and the City could move draft language much faster than that. Ms. Hyland explained that the sounds from pickleball are very different from a child playing on a sports court. Pickleball courts exceed normal neighborhood noise, which was made clear in the earlier presentation. She asked the City Council to consider the residents. It is difficult when those impacted by the noise and lights are forced to speak to their neighbors about it. She asked that the City protect residents from inappropriate noise and light levels. There had been difficulties communicating with one of her neighbors, which created a tense situation.

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

#### **4.0 ACTION ITEMS**

##### **4.1 Consideration of Ordinance 402 - Establishing Temporary Land Use Regulations for Non-Vegetative Outdoor Playing Areas and Commencing Proceedings to Amend Ordinances.**

Mayor Weichers reported that the above matter was discussed during the Work Session. Council Member Bracken stressed the importance of the comments made during the Citizen Comment period. As a result, he was in favor of there being a vote on Ordinance 402.

**MOTION:** Council Member Bracken moved to APPROVE Ordinance 402 – Establishing Temporary Land Use Regulations for Non-Vegetative Outdoor Playing Areas and Commencing Proceedings to Amend Ordinances. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Nay; Council Member Newell-Aye; Council Member Bracken-Aye; Council Member Birrell-Aye, Mayor Weichers-Nay. The motion passed 3-to-2.

##### **4.2 Consideration of Resolution 2023-46 - Approving a Consulting Agreement with Bowen Collins & Associates, Inc. for Storm Water Design Services.**

Mayor Weichers reported that Resolution 2023-46 was discussed during the Work Session.

**MOTION:** Council Member Newell moved to APPROVE Resolution 2023-46 – Approving a Consulting Agreement with Bowen Collins & Associates, Inc. for Storm Water Design Services. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Aye; Council Member Newell-Aye; Council Member Bracken-Aye; Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

##### **4.3 Consideration of Resolution 2023-47 - Approving Entry into an Interlocal Agreement with Various Jurisdictions for Grants Under HUD Programs.**

Mayor Weichers reported that Resolution 2023-47 was discussed during the Work Session.

**MOTION:** Council Member Bracken moved to APPROVE Resolution 2023-47 – Approving Entry into an Interlocal Agreement with Various Jurisdictions for Grants Under HUD Programs. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Holton-Aye; Council Member Newell-Aye; Council Member Bracken-Aye; Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**5.0 CONSENT CALENDAR**

**5.1 Approval of the Minutes of the City Council Work Session, CDRA Meeting, and City Council Business Meeting of August 15, 2023.**

**MOTION:** Council Member Newell moved to APPROVE the Consent Calendar. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

**6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The City Council Meeting adjourned at 7:15 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, September 5, 2023.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: September 19, 2023