

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, SEPTEMBER 19, 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 Jurges; IT Manager, Matt Ervin; 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. Mayor Weichers stated following the Pledge of Allegiance and Citizen Comment, there were two Action Items on the Agenda. The first Action Item was Consideration of the Fiscal Year 2023-2024 Budget Amendment. The Mayor noted that this item will be discussed in detail during the Staff Report. The Public Works Department and Unified Fire Authority reports will follow.

The next Action Item was Consideration of Ordinance 403 Amending Code Chapter 19.72 Sensitive Lands Evaluation and Development Standards Ordinance (“SLEDS”). Community and Economic Development Director, Michael Johnson reported that minor changes were made to requirements for Minutes for DRC Meetings and edits to the Riparian Protection Section referencing additional regulatory agencies. Residents’ minor concerns were identified along with remaining questions regarding non-conforming structures. He reported that if a home is closer than 20 feet from the top of bank areas, it will be considered a legal non-conforming structure. If the homeowner wishes to expand, they must go through the required process. He explained that should a home be involuntarily destroyed, it can be rebuilt without having to go through the extra process. If voluntarily torn down for redevelopment, the current Code must be met but does not require an additional approval process other than a Building Permit. It was noted that homeowners with homes along Cottonwood Creek that are more than 20 feet from the bank and wish to expand are not required to go through the required approval process.

Council Member Birrell reported that the public has been given over two years to provide comments. She felt this Ordinance needed to be voted on and passed during the Business Meeting. Mr. Johnson stated that there has been a recent email dialogue with an 80-person email chain where Ordinance clarification was provided. If residents live in a residential area, are developing, or

have an existing residential use, there are no new restrictions that are not already required by other regulatory agencies.

The next Action Item was Consideration of Resolution 2023-48 Approving an Agreement with Venn Collaborative for Veterans Monument Design Services. City Manager, Tim Tingey reported this item will allow the Historic Committee and Staff to move forward with fundraising opportunities and understand the cost estimates. The agreement was for \$2,800. Staff recommended approval.

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

3. SENAWAVE BROADBAND INTERNET – Chief Revenue Officer, Ladd Marshall.

Senawave Broadband Internet Chief Revenue Officer, Ladd Marshall reported that they are based in Salt Lake City and provide service to the Wasatch Front and surrounding regions. Services include fiber optics, microwave, and telephone. They have developed a niche in helping underserved areas and have provided service to Big Cottonwood Canyon for over a decade. They are continuing to build fiber optics throughout the canyon. He believed that providing great bandwidth connectivity alongside excellent customer service has differentiated Senawave from other incumbents and resulted in them being a top-rated Utah provider. Coverage, in addition to their multi-family experience, has led them to come to Cottonwood Heights.

Council Member Bracken asked how many addresses throughout Big Cottonwood Canyon are serviceable. Mr. Marshall stated that they are actively building in Silver Fork and smaller areas with the intent to build through the entire canyon.

Senawave provides service to large apartment complexes and multiple extensive Homeowners Associations. A rendering detailing portfolio properties was displayed. Mr. Marshall reported that they own four or five bucket trucks, and two-directional drills, and have crews that provide quality control and communication to the community. Efforts were being focused on lighting up the first network site in Cottonwood Heights, which will feed surrounding businesses and residents. They will also be extending a fire ring in Salt Lake Valley to the City while bringing fiber optics down the Canyon to the same site.

Senawave intends to actively design and build access levels and infrastructure that will enable them to light up their first subscriber in January 2024. Aerial work will follow the existing utilities, minimize disturbance, and increase efficiency. Mr. Marshall stated that their in-house aerial crews are actively building in the canyon with plans to move into neighborhoods in November. He anticipated that the majority of the City would be built by the end of summer or early fall of 2024. Traditional boring will take place where they are working on road crossings or main lines with a mixture of aerial attachments and placing conduit in the park strips of smaller neighborhood settings. He expected the impact on the City to be minimal compared to other options being considered.

Mayor Weichers understood that Senawave currently has a Franchise Agreement with Cottonwood Heights. Because they will not be micro trenching, an exception to the current policy will not be required.

Council Member Birrell stated that constituents have expressed concern about understanding who is spray painting on roads and potentially interrupting their park strips. She supported boring over trenching, especially as it pertains to City roads. Mr. Tingey clarified that the City currently has Franchise Agreements with a variety of groups.

Senawave was enthusiastic about entering the market and competing for business. Their prices are competitive with both the wireline incumbents and 5G with a focus on customer retention. Mr. Marshall reported that residential services will be multi-gig with speeds of up to 10 gigabits per second. Aerial cable is highly reliable and installation may also include running cable underground when available. He expected to have a large portion of the City built out by early fall. They plan to use their own crews and contractors to provide a balance.

Council Member Birrell stated that when looking at various providers, she felt that incompleteness has kept the Council from making a selection with the exception of Google Fiber. They are looking for a provider who can service all households and businesses within the City. She was surprised that Senawave was able to complete the build within one year's time.

Council Member Bracken remarked that other providers have indicated they could go to every address in the City but believe the challenge is finding a company that is committed. He found Senawave's service to lower-density areas and canyon properties to be appealing. Mr. Marshall stated that they are vertically integrated and the UTOPIA internet provider in certain cities but they intend to build their own network in Cottonwood Heights. One Gig of service will cost approximately \$60 per month with minimal or no fees creating a simple plan for residents. A multi-hundred megabits per second offering would be available at \$40 per month or lower. He noted that they are a participant in the Affordable Connectivity Program, which allows residents to receive a \$30 credit if they qualify with the Federal Communications Commission ("FCC").

4. STAFF REPORTS

a. Fiscal Year 2023-2024 Budget Amendment – Administrative and Fiscal Services Director, Scott Jurges.

City Manager, Tim Tingey reported that the 2023-2024 budget adjustments have been discussed and include a revenue component. The addition of police radios, South Valley Chamber of Commerce membership, and three additional officers for traffic control, among other items were being brought forward for Council consideration and discussion. It was noted that items may be added or subtracted at the Council's discretion.

Administrative and Fiscal Services Director, Scott Jurges presented the Fiscal Year 2023-2024 Budget Amendment and stated that the proposed budget adjustments include the following:

General Fund

- Police Radios - \$50,000 from Fund Balance. This item was budgeted last fiscal year and they were not able to complete the purchase until the current year. This is a state-mandated Utah Communications Authority requirement for all cities and entities.
- Police Radios - \$175,000 from Fund Balance. Additional radios are needed to complete the changeover to new technology radios.
- Police Marathon Overtime - \$6,305 in revenue.
- Police DUI shift overtime - \$7,476 and \$3,382 in revenue.
- Sale of Harley Davidson motorcycle proceeds - \$10,000 in revenue.
- Three additional Police Officers for traffic patrol and mitigation for the canyon areas and in the winter throughout the City. This would include annual salary and benefits at \$120,000, \$40,000 for an additional vehicle, plus \$18,000 for radios. Mr. Jurges reported that there may be some offset funds to reduce the overall cost to the City but would otherwise be an expense of \$418,000 annualized cost. Mayor Weichers reported that the City is looking to mitigate winter traffic along Wasatch Boulevard and working with other entities to assist in offsetting the cost of additional officers. Whether they move forward may determine how the other entities make their decisions.
- South Valley Chamber Membership - \$20,000 in expense. Mr. Tingey reported that they reached out to current members of the Chamber to receive feedback on their services. Information will be available for consideration along with an agreement at the next meeting.
- Public Works VMS Board Trailers - \$18,500 (Two for a total of \$37,000) in expense. Public Works Director, Matt Shipp noted that the trailers will be utilized in the winter months to alert commuters of issues on City-owned streets.

Mr. Jurges reported that if all items are adopted as outlined, the General Fund would add \$727,000 of expense and \$27,000 of revenue for a net impact of \$700,000.

Capital Project Fund

- Rebudget of unfinished capital projects for the prior year for a total of \$4,605,540 in expense and \$1,209,498 in revenue, all of which have been budgeted for. The funds will come from the beginning fund balance.
- The Rebudget of the unfinished Public Works Building from the prior year of \$7,026,000.
- Fort Union Boulevard and Wasatch Boulevard curb and median on westbound lanes - \$35,000. This will include all curb and median and come from the beginning fund balance. The Utah Department of Transportation (“UDOT”) will complete the work and be reimbursed by the City. Mr. Jurges confirmed that there is \$300,000 in unbudgeted available funds in the Capital Projects Fund. He recommended the funds be utilized to avoid transfers from the General Fund.

Storm Water Fund

- Rebudget unfinished stormwater projects from the prior year - \$1,528,139 of additional expenditures. This will come from the beginning fund balance.

Mayor Weichers clarified that the upgraded police radios are required by the State yet they are not offering funding to help cover the cost.

Council Member Birrell thanked Mayor Weichers for his efforts with agencies and the shared challenges of the SR-190 and 210 areas. She was pleased that they are seeing items to consider and mitigating challenges in District 4. She commended the Public Works and Police Departments for working so hard on the intersection at Fort Union Boulevard and SR-190 and 210. Police Chief, Robby Russo noted that with the breakup of the Unified Police Department (“UPD”) and the Sheriff’s Office, they look forward to a positive relationship with the Sheriff’s Department and their assistance in continuing efforts.

An aerial map of the City was displayed. Council Member Bracken reported that the five-year road plan is in place and three sections in District 2 are in significant need of reconstruction. Looking at the plan going forward, there are three more areas that were targeted to be improved but were found to be in such poor shape that it was determined they were in need of a rebuild. He requested that they find a way to accelerate the reconstruction from the fund balance and allocate fewer funds for maintenance parts in future years. Funding options were discussed. Mr. Shipp cautioned against eliminating the maintenance portion to avoid being back in a similar situation.

b. Five-Year Financial Analysis Discussion – Administrative and Fiscal Services Director, Scott Jurges.

Mr. Jurges presented the Five-Year Financial Analysis. It was projected that the 2022-23 fiscal year will end at \$9.5 million in total ending fund balance resulting in \$7.2 million available for appropriation. The ending fund balance is \$1,376,000 more than the January projection.

Overall Revenue changes were anticipated to be \$1,992,000. Actual was \$1,410,000 more than budgeted.

- Annual Property Tax estimated a "New Growth" increase of \$31,000. The actual was \$1,000 more than budgeted.
- Annual Sales Tax Revenue increase of 22% (approx. \$1,600,000) as the budget is normalized after COVID-19. Actual was \$288,000 more than budgeted.
- Annual Energy Use Tax Revenue had a \$250,000 budget increase. The actual was \$356,000 more than budgeted. The increase was largely due to the City receiving a percentage of what is sold through Dominion Energy and Rocky Mountain Power.
- Annual Class C Roads, Franchise Tax/Fees decrease of approximately \$10,000. Actual was \$200,000 more than budgeted.
- Other Tax Changes - \$105,000 (Transient Room Tax). The actual was \$155,000 more than budgeted.

- Other Revenue Changes - \$4,000. The actual was \$410,000 more than budget primarily due to interest rates.

Mr. Jurges reported that the overall expense changes were anticipated to be \$653,000 with the projection being \$700,000 to \$750,000.

The 2023-2024 Budget Assumptions:

- The starting Fund Balance was projected to be \$9,474,275.

Overall Expense changes:

- 3.5% Cost-of-Living Allowance (“COLA”), Merit, Market, Health/Dental, Utah Retirement Systems (“URS”) increase by approximately \$634,000 (\$655 COLA, \$205K Merit, \$50K Health/Dental) year-over-year turnover savings \$200,000.
- Add-in elections - \$40,000 (every other year).
- Fire - \$212,000 increase.
- Mayor, Attorney, City Manager, CED - \$126.
- Police - \$95,000.
- Public Works - \$112,000.
- One time Grant and other items removed/added - \$5,000.

Annual Bond Changes per Debt Service Schedules \$63,000:

- Community Development and Renewal Agency (“CDRA”) Fund Hillside Plaza Debt Service - \$561,000 less \$100,000 offset from prior year due diligence costs.
- Add \$30,000 for Mountview Park Project.
- Reduction of \$1,030,000 in Capital Project transfer from prior year American Rescue Plan (“ARP”) funds for the Public Works Building.
- Reduction of \$828,000 Storm Water transfer from the prior year from ARP funds for the Keswick Road Project.

It was noted that the ending fund balance of \$8,056,000 is \$2.4 million more than projected.

2024-2025 Budget Projection Assumption:

- The starting Fund Balance is projected to be \$8,056,607.
- \$647,000 Expense growth over Revenues
- Overall Revenue changes are anticipated to be \$850,000.
- Annual Property Tax "New Growth" increase \$50,000.
- Annual Sales Tax Revenue increase of 7.4% (approx. \$700,000).
- Annual Class C Roads, Franchise Tax/Fees increase of approximately \$100,000.

Overall Expense/Debt Service changes anticipated to be \$1,521,000:

- 2% COLA, Merit, Health/Dental, URS increase by approximately \$485,000 (\$205,000 COLA, \$230,000 Merit, \$50,000 Health/Dental).
- Take out Elections \$45,000 (every other year).
- Fire \$200,000 (5%) increase projection.
- Annual unidentified increases \$300,000.
- Liability Insurance increased \$35,000.
- Public Works Building \$45,000 savings plus \$60,000 increase for a total net of \$15,000.
- Road Projects Inflationary Increases \$250,000 (Net amount is \$3 million).
- CDRA Fund Hillside Plaza Debt Service increased over the prior year by \$395,000.

Annual Bond Changes per Debt Service Schedules \$114,000:

- Various Debt Service charges \$114,000.

Mr. Jurges reported that in 2025-2026, the City may still end with an approximate fund balance of \$837,000. This comes from estimating revenue at a slower growth rate than expenditures and may end up higher than estimated. Approximately \$800,000 will be available for appropriations with an estimated net ending fund balance of \$ 3.1 million.

Options not included:

Revenues

- For every 1% Property Tax increase the City will net about \$80,000 in new revenue, 2% would total \$160,000, and 3% would total \$240,000.
- Telecom Fee Revenues (between \$300,000 to \$350,000 annually).

The 2023 year-to-date calendar CPI-U from January to July 2023 is 1.9%. He stated if projected out to the end of the year, it would be 3.25%.

Mayor Weichers thanked Mr. Jurges for the report.

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

Mr. Shipp presented the Federal Road Projects Transportation Alternatives Program (“TAP”) Funding and reported that Staff has been asked to prepare a list of potential projects to apply for the program for City Council prioritization and review. Letters of Intent for the grant application are due September 28, 2023. The proposed projects included the following:

Highland Drive Pedestrian Trail & Frontage Improvement Project. This project is located between Fort Union Boulevard & I-215 and is viewed as a regional trail. The City has received Feasibility Study money for consideration of a trail extension. Mr. Shipp reported that funding has been received for a trail along the north side of Bengal Boulevard and is currently in design.

Areas for potential project funding were described. It was noted that this project will be applied for under TAP funding.

Council Member Birrell asked what will be modified with the frontage road as it already has existing sidewalks that run almost the entire length of the strip. She struggled with the concept of the project and asked why the City would demolish it when the area is already safe and there are existing alternate transportation routes. Mr. Shipp stated that the plans include a 10-foot trail to open up the area as a transportation alternative as opposed to the four-foot sidewalk while improving the entrance into the City.

Danish Road & Creek Road Intersection Project. This proposed project is located at Danish Road and Creek Road for the construction of a raised intersection to enhance pedestrian safety. The challenges come from driveways being near the intersection when considering the construction. It would be pedestrian-friendly and require a vehicle stop when approaching the intersection. A rendering of a raised intersection was displayed. Mr. Shipp stated that it will be applied for as a Surface Transportation Project (“STP”).

Council Member Birrell encouraged the Council to consider 90-degree angled corners to mitigate speed and supported landscaped islands and bulb-outs. She understood that residents want to see a 25 MPH speed limit on Danish Road and encouraged large bicycle signage. Expanding Danish Road will make motorists feel comfortable driving fast. She opposed any design that would encourage speeding. Mr. Shipp confirmed that many options are being considered.

Fort Union Boulevard - Protected Cycle Track Trail. The proposed project is located between Union Park Avenue and 1300 East and is part of the Mid-Valley Active Transportation Plan that is proposed to have a separate bike path on both sides of the road. The design will narrow a section of the road using what is available for sidewalk, curb and gutter, and a cycle track. Mr. Shipp stated that they are starting on the west end and where possible, picking up property and redevelopment properties as they become available. This is an elevated cycle track/bicycle path with landscaping elements and will be applied for under STP funding.

Council Member Bracken believed that due to the location of Fort Union Boulevard, alternate sources of funding may be easier to come by as opposed to other areas of the City. Council Member Birrell stated that this time next year, Cottonwood Heights will have drafted its Safety Action Plan. She read from the SS4A Program, which would require the City to identify appropriate target speeds for roadway design with the goal of the safe systems approach for speed management. They will match operating speeds with target speeds along corridors to prevent fatalities and serious injuries. She looked forward to the adoption of a Safety Action Plan.

Council Member Birrell previously requested a crosswalk be located at Torey Court. She wondered if that was still a potential project. Mr. Shipp explained that a crosswalk is not considered a project but an application could be made by Staff with direction from the City Council. The probability of being approved for a crosswalk is low as TAP-funded projects are more transportation-oriented with a larger scope. Smaller projects are considered a City function.

Danish Road Sidewalk & Roadway Safety Project. This proposed project is located from Creek Road to Oak Hollow Circle. It was previously proposed and has been brought back before the Council. The project would include 11-foot lanes with the addition of a four-foot bike lane and a proposed sidewalk along the west side of Danish Road. Due to its narrow nature, it will call for the widening of portions of the road and require land acquisition. Safety improvements were considered. Mayor Weichers understood that the chances of TAP funding would decline due to Danish Road not being a regional road. Mr. Shipp stated that it would fill in the gaps and satisfy the transportation alternative. He was unsure how it would score with the STP and the 11-foot widening due to the regional significance.

Mr. Tingey asked the Council for their top priorities and direction to make an application submittal by the deadline. Council Member Birrell strongly recommended that an emphasis be on slowing speeds and preserving the character of Danish Road. The Council weighed the benefits of the Danish Road widening versus separating the proposed bike lane.

Mr. Shipp reported that of the four projects, STP projects include the Danish Road and Creek Road Intersection and the Fort Union Boulevard Protected Cycle Track Trail. The TAP projects include Highland Drive Pedestrian Trail and the Danish Road Sidewalk and Road Safety. It was the consensus of the Council to prioritize and submit applications for the Danish Road Sidewalk and Roadway Safety Project and the Fort Union Boulevard Protected Cycle Track Trail Project.

5. 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.**

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 Session.

7. ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Bracken 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 6:06 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS BOARD OF CANVASSERS MEETING
HELD TUESDAY, SEPTEMBER 19, 2023, AT 6:30 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; Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

1.0 CALL TO ORDER.

Mayor Weichers called the meeting to order at 6:30 p.m. and welcomed those present.

2.0 REPORT PRIMARY ELECTION RESULTS.

Mayor Weichers read a declaration stating that the Cottonwood Heights Board of Canvassers declared certain Candidates nominated and certified the results of the 2023 Primary Election Canvass. The City of Cottonwood Heights held a Municipal Primary Election on September 5, 2023, for the District 2 City Council positions. Utah Code Annotated 20A-4-301(2)(a) establishes the City’s Mayor and Municipal Legislative Body as the Board of Municipal Canvassers (“the Board”) for the City; and Utah Code Ann. 20A-4-304 requires that the Board declare as “nominated” those persons with the highest number of votes and certify the results of the election. The Mayor stated that in Cottonwood Heights Council District 2, Sharon Daurelle received 677 votes or 41.63%, Suzanne Hyland received 509 votes or 31.09%, and Scott Bracken received 451 for 27.55%.

Board Member Bracken believed the Council did not act as its own Board of Canvassers in the original incorporation of the City as that would have been the County’s job. This was his ninth time being involved in a Board of Canvassers. He expressed respect for the system and the way the vote is handled. The County Clerks do a remarkable job and are accurate. He looked forward to taking a step back. He offered his congratulations to Ms. Daurelle and Hyland and believed whoever is elected will serve their office well. It was his preference that the Legislature better define the record of the vote and provide the Board of Canvassers with more detailed information. Voter privacy should be respected without being able to view their entire ballots which may help identify individual voters. He believed that if there are questions, the Board may be able to view and review copies of individual race ballots. He expressed gratitude for the time he has served and wished the other delegates luck as they move forward.

Board Member Holton commended Council Member Bracken for his years of dedication to the City and stated that the residents are incredibly grateful. He respected his gracious demeanor and thanked him for his service.

3.0 Consideration of Declaration 2023-01 Certifying the Results of the 2023 Primary Election.

MOTION: Board Member Holton moved to Certify the Results of the 2023 Primary Election. The motion was seconded by Board Member Bracken. Vote on motion: Board Member Holton-Aye, Board Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

4.0 ADJOURN

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

The Board of Canvassers Meeting adjourned at 6:39 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, SEPTEMBER 19, 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 Jorges; 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 Council Member Birrell.

3.0 CITY COUNCIL COMMITTEE REPORTS

3.1 Committee Reports by Council Member Scott Bracken, District 2.

Council Member Bracken reported that he serves on the CH2 Committee where they meet with representatives from the Cottonwood Heights Recreation and Service Area. They assist in maintaining the parks and are connected with activities throughout the City. Activities include the Monster Mash, Thanksgiving 5K, and Butlerville Days. The 17 Youth City Council Members often volunteer service hours with those activities and spent a total of 180 hours during Butlerville Days. Educational opportunities are also provided. He stated that Wasatch Front Waste and Recycling is in budget season and remains conscientious of maintaining clean recycling.

3.2 Committee Reports by Council Member Matt Holton, District 1.

Council Member Holton reported that the Mosquito Abatement District has seen a major increase in mosquitos due to the wet winter. 66 cases of the West Nile Virus were found in pools in Salt Lake County with 203 throughout the State. Three cases were found in humans with 552 cases nationally. There have been 10 cases of Dengue Fever statewide. It was reported that Utah has the highest propensity of any other state for Malaria-related travel largely due to LDS Church missionaries returning from other countries. Mosquitos account for approximately 750,000 deaths worldwide. He reported that 158 backyard ponds are monitored by the district within City limits. 345 mosquito-eating fish have been delivered to those ponds as opposed to using chemicals and

pesticides. 2,300 catch basins were inspected for mosquitos as well as 188 spots known to produce mosquitos in the City. Through August 2023, the District treated 570 acres, placed 105,000 traps, and responded to 120 service requests. Best practices include emptying, scrubbing, and turning over covers or throwing out any items that hold stagnant water, maintaining screens, and using Environmental Protection Agency (“EPA”) recommended mosquito spray.

3.3 Committee Reports by Council Member Shawn Newell, District 3.

Council Member Newell reported that he serves as the Liaison for Emergency Management and encouraged residents to participate in Emergency Training to take place on October 10. There will be a Mini-Shake Out Event on November 11 from 9:00 a.m. to noon. He serves on the Arts Council and stated that volunteer opportunities are always available. A Halloween Home Decorating Contest will take place with the Light the Heights in December. The Arts Council will put on the musical *Beauty and the Beast* in 2024. He encouraged residents to participate. He serves with City Manager, Tim Tingey and Mayor Weichers on the Utah League of Cities and Towns (“ULCT”) where they are given the opportunity to learn and educate municipal officials on considerations for their cities and how to best serve residents.

3.4 Committee Reports by Council Member Ellen Birrell, District 4.

Council Member Birrell reported that she serves on the Association of Municipal Governments Committee which brings Council Members from different cities together. At the last meeting, Wild Land Urban Interface and fire danger issues were discussed. High Valley Transit has started an on-demand service and moved 2,000,000 riders in its first two years. She reported that there has been concern regarding noise coming from the gravel pit. Staff has interfaced with Granite Construction to better understand the noise levels that continue through midnight when operating hours previously ended at 10:00 p.m. Granite stated that it comes from a heavy winter season which caused a delay and prevented them from meeting their production numbers during the summer. They intend to return to normal operating hours by the end of October.

Council Member Birrell referenced the results of the District 2 Primary Election and acknowledged Council Member Bracken for his years of service to the City. He has been responsive and often the member who continued to conduct incredible research. He has spent an infinite amount of time with the youth and community while serving on multiple committees. She expressed gratitude for his service and looked forward to continuing to learn from him as he completes his term.

3.5 Committee Reports by Mayor Mike Weichers.

Mayor Weichers reported that a request was made to the public for those wanting to be involved with the Hillside Advisory Committee for the Hillside Plaza property. A very positive response was received. He confirmed that a formal committee announcement would be made at the next Business Meeting. Members will work with the City’s Consultant to come up with ideas regarding the outcome of the property.

Mayor Weichers reported that providing fiber optics to the homes of residents has been a priority since he was elected. The City has met with several providers and has yet to find a perfect solution. The most recent discussion was with a provider who is willing to bore as opposed to trench and avoid disturbing the roads. City approval is not required as they already have a Franchise Agreement. The Mayor was optimistic and stated that the provider has an ambitious goal of making contact with every homeowner in the City within the next 12 months.

4.0 CITIZEN COMMENTS

Suzanne Hyland, who lives in District 2, thanked Council Member Bracken for his 18 years of service. She moved to Cottonwood Heights in 2005 and believed it has become what it is today because of dedicated people like him. She appreciated the way he conducted himself with civility, grace, and respect during the election. She thanked the City Council for granting the moratorium and stated that when engaging in governance, there should be sincerity and transparency. She believed the process was as important as principle and policy. As a homeowner along the water, she appreciated the consideration for exempting manmade waterways. She expressed frustration with there not being a final document on the City's website for a certain period of time before a vote is taken.

Ronald Roberts was present representing the Royal Lane Homeowners Association ("HOA"). He expressed concern with paying a \$15 Stormwater Fee every month. He commented that it has been added to his electric bill but he receives none of the benefits. All stormwater drains in his neighborhood are independent of the City's system and are retained within the boundaries of the HOA or conveyed directly to the creek. He stated that maintenance and capital costs associated with the stormwater system are exclusively funded by their HOA.

Dale Harris reported that he has lived along the creek for 18 years. His understanding was that the Sensitive Land Evaluation and Development Standards ("SLEDS") would be voted on but he wished to make suggested amendments. Mr. Harris felt that 85 acres was too much land under a new Ordinance and recommended a decrease in acreage to 20 feet. He suggested that the additional 80 feet be used for something else. He opposed the definition of "top of bank" and suggested that the starting point begin at the property line to avoid conflict. He explained that some homes have banks with walls that run straight up while others have no rolling bank and no hinge point. The Table of Use Section (2H and 2I) prescribes a schedule of tree replacement based on diameter. He felt this was unsustainable.

Paul Bebe stated that his home is located approximately 1,000 feet from the Granite Construction Gravel Pit. He has co-existed with the property for 18 years. The noise emanating from the pit at night has become intolerable and goes on most nights until midnight. He believed the balance between the rights of Granite Construction to operate the business at any hour of the day or night is out of balance and undermines the rights of nearby residents. It was his understanding that what once were 15-hour days have been extended to operating until midnight to make up for a shortfall due to an extended winter. He stated that the pit is now considered a public nuisance. He stated that the time has come for regulations and ordinances governing the operation of the pit to be updated to reflect the health and safety of the neighbors.

Leslie Kovach reported that she has been a Cottonwood Heights resident for 29 years. She expressed frustration with Code enforcement regarding air brakes or Jake brakes along Wasatch Boulevard. She called Code Enforcement and was transferred several times throughout the County system and then back to Cottonwood Heights. She asked that the Code be enforced since the Metropolitan Water District is undergoing a rebuild and employs a large number of dump trucks that utilize Wasatch Boulevard as their main route of travel. She felt it would only take a few citations to help them understand that Cottonwood Heights wants to protect its citizens.

Woodie Beardsley stated that he has resided on Timberline Drive since before the City's incorporation. He appreciated the improvement in their quality of life. His street is owned by the City but only receives partial Police and Fire Services and is not maintained or plowed. He and his neighbors were present to encourage support in the upcoming election to provide City services to their property.

Stewart Brown resides on Timberline Drive and echoed Mr. Beardsley's request for maintenance and plowing on their street.

Ben Lazaur stated that he is a new homeowner and requested that City services be provided on Timberline Drive to avoid liability. He expressed frustration with paying taxes and not receiving the same services as his neighbors.

Nina Shaw identified herself as a homeowner on Timberline Drive and stated that with record snowfall, they have had to pay an outside company to provide service. Her home was plowed in due to the amount of snow and she requested that the City plow the road appropriately.

Sandra Liepiniene also lives on Timberline Drive and asked for the City's consideration in providing snow plowing services.

Runar Bowman, who lives in District 3, stated he became aware of an Electric Vehicle ("EV") Charger in the City Hall parking lot with Teslas utilizing the free electricity. He noted that the EVs do not pay Gas Tax or for the upkeep of City roads. It was his opinion that EVs are expensive and no greener than gas vehicles. He asked about the rationale of the City when installing a free electric charging station and believed it was inequitable to the rest of the residents.

David Berry appreciated the discourse and discussions over the last 1 ½ years regarding the Riparian Ordinance. He reiterated his frustration with the Council voting on this item when drafts were not available the prior day on the City's website. The previous day's agenda did not include the item to show that it would be voted on. He was opposed to the Council taking action and believed that sufficient notice was not provided. He felt that the effective date should be one or two months after the final vote is taken to allow residents to make final repairs from the sustained high waters.

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

5.0 PUBLIC HEARING

5.1 Fiscal Year 2023-2024 Budget Amendment – Introduced by Administrative and Fiscal Services Director, Scott Jurges.

Administrative and Fiscal Services Director, Scott Jurges presented the Fiscal Year 2023-2024 Budget Amendment and described the changes that were broken down by fund.

General Fund

Expense:

- Police Radios - \$50,000 Fund Balance. This item was budgeted last fiscal year and were not able to complete the purchase until the current year.
- Police Radios - \$175,000 Fund Balance.

Revenue:

- Police Marathon Overtime - \$6,305 of expense and revenue.
- Police DUI Shift Overtime Reimbursement - \$7,476 and \$3,382 for a total of \$10,858.
- Sale of Harley Davidson Motorcycle proceeds - \$10,000. Repurposed for the purchase of another police vehicle.
- Three additional Police Officers for Traffic Patrol and Mitigation for the Canyon areas and in the winter throughout the City. Annual salary and benefits - \$120,000 per officer, \$40,000 for an additional vehicle, plus \$18,000 for radios. Mr. Jurges reported that there may be some offsetting funds to reduce the overall cost to the City but would otherwise be an expense of \$418,000 annualized cost.
- South Valley Chamber Membership - \$20,000.
- Public Works VMS Board trailers - \$18,500 (two for a total of \$37,000).

If all items are adopted as outlined, the General Fund would add \$727,000 of expense and \$27,000 of revenue for a net impact of \$700,000.

Capital Project Fund

- Rebudget of unfinished Capital Projects for the prior year. \$4,605,540 of expense and \$1,209,498 of revenue, all of which has been budgeted.
- The Rebudget of the unfinished Public Works Building from the prior year of \$7,026,000.
- Fort Union Boulevard and Wasatch Boulevard curb and median on westbound lanes - \$35,000. This would come from the undesignated fund balance in the Capital Projects Fund.

Storm Water Fund

- Rebudget of unfinished Stormwater Projects from the prior year is \$1,528,139. This will come from the beginning fund balance.

Mayor Weichers opened the public hearing.

There were no public comments. The public hearing was closed.

6.0 STAFF QUARTERLY REPORTS

6.1 Public Works Report – Public Works Director, Matt Shipp.

Public Works Director, Matt Shipp presented the Public Works Report and stated the extended snow season ended with a monthly average of 20 inches for a season total of 196 inches. City crews used 5,800 tons of salt and 49,500 miles worth of travel. Issues with melting snow yielded daily inspections of over 40 crossings in the City increasing to two times per day with heavy runoff. He noted that between the City and residents, 95,000 sandbags were filled with 65,000 to 70,000 distributed throughout the City.

The City Council allotted \$35,000 to the Trip Hazard Program and work continued in the east side of the City. The Big Cottonwood Canyon Trail has been completed. The 2700 East Sidewalk was a Federal Aid project and has been completed with an anticipated total cost of \$480,000. Cape seals were constructed at Danish Road, 3000 East, and Hollow Mill Drive. Mr. Shipp reported that these treatments fill in the cracks and help level the surface for the chip seal at less than \$1 per square foot. The Public Works Building is progressing with plans to have it dried in by December so interior work can begin. A rendering was displayed. Mr. Shipp appreciated UDOT allowing the City to park vehicles on their property while the Public Works Building is constructed.

Ferguson Trail construction was ongoing and includes trails, amenities, and an off-leash Dog Park. The parking lot is complete with 45 stalls and designated for the trailhead and use of the park. Bike racks and bike repair stations have been placed. Mr. Shipp noted that benches, tables, bike racks, and repair stations were made possible through the CH2 Foundation and donations throughout the City. He thanked Staff Engineer, Adam Ginsberg, and Community and Economic Development Senior Planner, Samantha DeSeelhorst, who have worked tirelessly to make this project possible.

Mr. Shipp reported that the Storm Drain Project razed 85 manholes with 160 remaining. Small storm drain projects were detailed. Upcoming five-year program projects include the following:

- Rebuilding of Prospector Subdivision and portions of the Town Drive.
- Crack seal and slurry seal.
- Hawk signal on Fort Union Boulevard.
- Crosswalks along Creek Road, 3500 East, and Banbury.
- City striping.
- Bengal Boulevard and Highland Drive will be under construction in 2024.
- 1700 East Sidewalk is still in property acquisition.
- Peppers Hill Stormwater Improvement on Creek Road.

- Fort Union Storm Drain project in conjunction with Salt Lake City Public Utilities and the Metropolitan Water District.
- Continue preparations for the winter season.

6.2 Unified Fire Report – Battalion Chief, Brad Lynn.

Unified Fire Battalion Chief, Brad Lynn presented the quarterly Unified Fire Report and stated that they received 543 incident calls with 187 emergent. Top medical calls included short falls, sick persons, unconscious persons, and motor vehicle crashes. Other types included public assistance, unintentional detectors, and false calls. Seven fire calls were received. Stations 116, 110, and 126 together received 531 calls with 395 ambulance responses. Emergent response time averaged 5:31. A density map was displayed.

Mayor Weichers reported that he had the opportunity to serve on the Unified Fire Authority (“UFA”) Board and currently serves as Board Chair. He expressed gratitude for their service and has a high appreciation for UFA workers.

7.0 ACTION ITEMS

7.1 Consideration of Ordinance 403 Amending Code Chapter 19.72, Sensitive Lands Evaluation and Development Standards (“SLEDS”).

MOTION: Council Member Holton moved to TABLE Consideration of Ordinance 403 - Amending Code Chapter 19.72, Sensitive Lands Evaluation and Development Standards (“SLEDS”). The motion was seconded by Council Member Newell.

Mr. Tingey commended Staff for their response to the public as many of the changes have been minor. He emphasized that they have been very transparent in notifying individuals of changes and getting information to those on the email list, as requested. Staff was working tirelessly to address issues and make that information available.

Council Member Holton believed the Ordinance will pass and thanked Community and Development Director, Michael Johnson, for his diligence and transparency. Mr. Johnson clarified that the final new Ordinance is posted online and will remain as-is for the next two weeks unless otherwise directed by a majority of the Council.

Vote on motion: The motion passed with the unanimous consent of the Council.

7.2 Consideration of Resolution 2023-48 Approving an Agreement with Venn Collaborative for Veterans Monument Design Services.

MOTION: Council Member Newell moved to APPROVE Resolution 2023-48 - Approving an Agreement with Venn Collaborative for Veterans Monument Design Services. The motion was seconded by Council Member Holton. Vote: Council Member Bracken-Aye, Council Member

Newell-Aye, Council Member Holton-Aye, Mayor Weichers-Aye. The motion passed unanimously. Council Member Birrell did not participate in the vote.

8.0 CONSENT CALENDAR

8.1 Approval of the Minutes of the City Council Work Session, CDRA Meeting, and City Council Business Meeting of September 5, 2023.

MOTION: Council Member Holton moved to APPROVE the Minutes of the City Council Work Session, CDRA Meeting, and the City Council Business Meeting of September 5, 2023. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council. Council Member Birrell did not participate in the vote.

9.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to ADJOURN. The motion was seconded by Council Member Holton. The motion passed with the unanimous consent of the Council. Council Member Birrell did not participate in the vote.

The City Council Meeting adjourned at 8:29 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session, Board of Canvassers, and Business Meetings held Tuesday, September 19, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: October 3, 2023