

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, NOVEMBER 7, 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: Council Member Scott Bracken-Mayor Pro Tempore, 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

Excused: Mayor Mike Weichers

1.0 WELCOME – Mayor Pro Tempore, Scott Bracken.

Mayor Pro Tempore Scott Bracken called the meeting to order at 4:00 p.m. and welcomed those present.

2.0 REVIEW OF BUSINESS MEETING AGENDA – Mayor Pro Temp Bracken.

The Business Meeting Agenda items were reviewed and discussed. Mayor Pro Tem Bracken reported that one public comment was received and would be read into the record during the Citizen Comment Period. The Transportation Master Plan discussion was to include a public comment portion. There were two Action Items on the Business Meeting agenda. The first was Resolution 2023-57 Approving an Independent Contractor Agreement for Land Use Hearing Officer Services. City Manager, Tim Tingey reported that the City issued a Request for Proposals (“RFP”) to seek individuals to serve in this position. Three proposals were submitted, of which Frank McNamara was the most qualified and with the lowest proposed cost. Mr. McNamara served as a Municipal Attorney for 20 years and performed additional City Attorney work. Mr. Tingey recommended he be considered for the position and believed he would do an exceptional job.

The second Action Item was Consideration of Resolution 2023-58 Approving an Appointment to the Arts Council. Mr. Tingey stated that Laura Poulson Howe submitted an application to serve on the Arts Council and has an extensive background in the Arts in a professional capacity. Staff felt that the addition of Ms. Howe will add significant value to the Arts Council and recommended approval of the appointment.

The first Discussion Item was the Metropolitan Water District Improvement presented by Wayne Winsor, Metropolitan Water District Assistant General Manager/CAO. Community and Development Director, Michael Johnson stated that Staff asked the District to meet with the City Council to discuss four projects that are underway throughout the City.

3.0 METROPOLITAN WATER DISTRICT – Mr. Wayne Winsor, Metropolitan Water District Assistant General Manager/CAO.

Metropolitan Water District General Manager, Analie Munsey, reported that she is fairly new to the position and oversees the cities of Salt Lake and Sandy. She has worked for the Water District for 16 years.

Metropolitan Water District Assistant General Manager and Chief Administrative Officer, Wayne Winsor, gave a PowerPoint presentation and stated that the District Report is intended to provide information regarding the Cottonwoods Connection Project and coordination efforts. He gave a brief overview of the Metropolitan Water District of Salt Lake City and Sandy City which was established in 1935. The Board consists of seven members. Five were appointed by the Salt Lake City Council and two were appointed by the Sandy City Council. The Salt Lake Aqueduct (“SLA”) was put into service in 1951. A rendering of the Service Plant was displayed. He reported that the Aqueduct starts at the base of Deer Creek Reservoir and travels along the hills and benches of Utah County, 3 ½ miles through Traverse Ridge to Corner Canyon, and continues along the benches to Little Cottonwood Canyon. Once treated, the water is sent eight miles north to Parleys Canyon. This is done solely by gravity without the use of pumps. Mr. Winsor reported that infrastructure in Cottonwood Heights is provided by the Salt Lake Aqueduct 69-inch interior diameter reinforced concrete pipe. There is a 10-million-gallon reservoir in the Enchanted Hills area that acts as the supply for fire storage throughout the community.

Mr. Winsor reported that the Cottonwood’s Connection Project, the Big Cottonwood Canyon Water Treatment Plant (“DCWTP”) is a Salt Lake City facility and in need of improvements. A representation of the alignment of the Salt Lake Aqueduct was discussed. He indicated that the capacity of the Aqueduct is expected to hold 110,000 million gallons per day. Alternatively, they are finding that they can provide 87,000 million gallons with the decrease resulting from the restrictions in the pipeline and hydraulic losses. There is a need both seismically for resiliency and stability in the Aqueduct as well as to restore capacity. Options were discussed. The first option would include a slip line and a pipe within a pipe. The second would include the slip line with a second pipeline alongside to restore lost capacity.

Mr. Winsor next discussed the Big Cottonwood Water Treatment Plant. The Plant is owned by Salt Lake City and needs total reconstruction. The issue with a rebuild is that it holds an annual supply of approximately 24,300-acre feet of water or roughly the annual indoor water supply for 110,000 people. Salt Lake City called upon the Metropolitan Water District which will require an additional 24,000 in addition to the 49,000. As a result, their reserve would be drained within three years. The concept of the conjunctive management was to conserve that water and they would need to construct a pipeline to join the two projects together. A project rendering was displayed. Mr. Winsor reviewed a scenario where the Cottonwoods Connection would include the connection of both Canyons and consist of three phases. The CC1 line would run a 36-inch pipeline at Fort Union Boulevard with a larger diameter line to push the water north. A smaller pipeline would be used to run well water to the treatment plant.

Council Member Bracken understood that the Big Cottonwood Treatment Plant would require a three-year rebuild rather than letting that water go unused. A new pipe would be constructed to

move the water to the larger treatment plant on Danish Road where it would be to be treated and sent out through normal service. Mr. Winsor confirmed that the Salt Lake Area Replacement (“SLAR”) will include Phases II and III, which will extend the north pipe to their reservoir on 3300 South. Once the treatment center is built and upgrades are completed they intend to make similar modifications to their plant over the next four to five years. The risk is that the treatment center is susceptible to an earthquake. They want to respond to ensure that they can provide reliable service to their customers. The pipes will be made of steel with a polyurethane lining and coating for protection. The intent of the design is to ensure that critical infrastructure remains in service for the residents and for fire incidents.

Moving forward, Mr. Wilson stated they have been working with Staff and have discussed future improvements to Fort Union Boulevard, specifically storm drainage. Shared efficiencies were discussed. He believed that working and bidding on projects together creates a cost benefit to all involved and minimizes public disruption on Fort Union Boulevard.

The project schedule was as follows:

- Award construction contract February 2024;
- Work east of Wasatch Boulevard – April to June 2024;
- Work in Fort Union Boulevard – complete before October 31, 2024; and
- Remaining work to be completed by June 30, 2026.

An additional focus was placed on the Utah Department of Transportation (“UDOT”) Plan to resurface Big Cottonwood Canyon in the summer of 2024. The project will run east from Wasatch Boulevard. At the time of completion, a moratorium will be put in place. Mr. Wilson emphasized the urgency of completing the east portion of the CC1 Project by June of 2024, with a construction constraint requiring completion of Fort Union Boulevard by October 31, 2024. The District has given its contractor a deadline of June 30, 2026, to complete the remainder of the project, which will run parallel with the existing SLA easement. They are in the process of procuring measurements of the SLAR. They will continue working with the public on a case-by-case basis to negotiate easements for that aspect of the project.

The District has engaged with Wall Consulting Group, a public relations consultant, to oversee communications. As construction approaches, Mr. Wilson reported that social media accounts will be utilized to keep the public current on activities and provide a forum to receive feedback. A project hotline will be available with direct live representatives responding from the design team and the contractor. Although construction will interrupt the quality of life of residents for a time, it was their intent to keep disruptions to a minimum. A Residential Construction Plan was reviewed. Future projects were to include:

- Aquifer Storage and Recovery;
 - Injection well; and
 - Surface Infiltration Basins.
- Multi-hazard Mitigation Plan – Completed.

Mr. Wilson confirmed that project links will be provided. Mr. Johnson reported that the City's Public Relations Team has been working with the Metropolitan Water District and will remain actively involved.

4.0 STAFF REPORTS

a. Emergency Management Update – Police Chief, Robby Russo and Assistant Chief, Paul Brenneman.

Assistant Police Chief, Paul Brenneman presented the Emergency Management Report and stated that 2023 began with Community Emergency Response Team (“CERT”) Training with 28 graduates. The CERT Program provides community members with training for basic search and rescue, medical issues, or large-scale event. It is a highly sought-after course. The next course will begin January 11, 2024. Shelter Management Setup Training was provided through the Red Cross and was the first of a series available to Staff. Instruction will include direction on facilities that are required for shelter setup. Year-to-date highlights included the following:

- CERT (Community Emergency Response Team) Basic Training/8-week course/January;
- Red Cross Training/Introduction to Shelter Management/May;
- Quarterly Training (Switching to biannual);
 - February/Emergency Preparedness for Pets/72-Hour Kit Refresher;
 - May/Block Captain 101/Introduction to CERT; and
 - November/Winter Preparation/Holiday Fire Prevention.
- Individual District/Precinct specific training;
- South Valley Unitarian Universalist Society Church/Emergency Preparedness/Active Shooter Discussion;
- Shake Out 2023/April;
- Localized Event Drill/September/Fire on the mountain;
- Mini Shake Out 2023/November;
- CHARC Field Day 2023;
- Crestwood Park Urban Wildland Interface Fire Fuel Mitigation Project;
- Monthly Steering Committee Meetings;
- Monthly City Council Liaison Meetings;
- Monthly Salt Lake County Emergency Manager Meetings;
- Salt Lake County Emergency Management Plan Meetings;
- Cottonwood Heights City Flood Preparation and Status Update Meetings; and
- Salt Lake County Comprehensive Emergency Management Plan (CEMP) – required plan to receive Federal FEMA funding.
 - Cottonwood Heights CEM.

Chief Brenneman reported that the 2023 Shake Out Event tests the communication of the Emergency Preparedness Program throughout the City. During this time, residents are asked to participate by putting out information, which in turn is distributed up the chain. Information is passed on to the localized communications network and reaches the Unified Fire Chief at City

Hall. It was estimated that 18.5% of all residents participated, which is down from the previous year's exercise. The Localized Event Drill was geared toward communication and management of a localized event, such as a large-scale fire impacting the City. Flooding, a hazardous material spill, or other events that are localized to a geographical area within the City were also discussed. The Mini Shake Out event scheduled for Saturday, November 11th will be a communication exercise to which residents are invited.

The spring flooding of 2023 was described. Public Works Director, Matt Shipp, and Staff planned the event. Preparations included the following:

- Weekly preparation and monitoring of meetings;
- Organization of sandbag filling events (100K bags filled, stored, and distributed);
- Daily monitoring of checkpoints, stream beds, crossings, and supplies;
- Collaboration with allied agencies, primarily Salt Lake County Flood Control, and local affected businesses along the creek. The muscle wall for the entire County deployed upon that stream bed;
- Distribution of information/answering hundreds of inquiries;
- Recovery. Once sandbags were deployed, filled, stored, and stashed, Public Works personnel returned for pickup.

City Manager, Tim Tingey, appreciated the Cottonwood Heights Police Department's ("CHPD") emergency planning efforts. He appreciated the excellent City employees who help lead efforts to keep residents safe.

Council Member Newell was amazed by all of the activities and work provided. He was pleased to know all that was going on in the community. Resident participation was encouraged.

Police Chief, Robby Russo reminded the Council Members of the continuing emergency management efforts. He urged the City Council Members to think about the future replacement of Assistant Chief Brenneman and emergency management efforts during the upcoming City Council Retreat. The position comes with an intense responsibility and there is a lot to learn. He urged against contracting with the Unified Fire Authority ("UFA") largely due to items such as sandbags, becoming the property of Salt Lake County. He was aware of the incredible volunteer base.

Council Member Birrell asked if it was possible to put the information into some type of RFP. She asked if the duties require a Staff employee or if a non-professional with project management experience could assume the responsibility and receive the support of the UFA and the CHPD. Chief Russo verified that the position requirements will be at the discretion of the City Manager. In the past, a similar model was considered without success and was the reason it was taken over by Assistant Chief Brenneman. Mr. Tingey stated that involvement, control, and collaboration under one roof are vital. A distinction was made between the preparedness program and the execution of an emergency. Council Member Birrell was aware of the preparedness aspect and was not trying to imply that a non-professional could manage an emergency. Assistant Chief Brenneman clarified that they are a ground-up organization that includes citizen involvement. The

City does not have the resources to proceed from the top level down. He noted that relationships at the public level are imperative. A civic component involves the actual management of an incident and requires a professional. Without support from either end will result in failure.

b. Fraud Checklist – Administrative and Fiscal Services Director, Scott Jurges.

Administrative and Fiscal Services Director, Scott Jurges, reported that the Fraud Checklist is an annual requirement of the Utah State Auditor’s Office. All municipalities are required to participate. The checklist ensures that those involved are following through to prevent fraud within the organization. A visual checklist was presented. Mr. Jurges described the scoring system and stated that points are based on whether that particular task has been completed.

- Low Risk – 355 or greater.
- Moderate Risk – 276 to 315.
- High Risk – 200 to 275.
- Extremely High Risk – 200 and below.

The Basic Separation of Duties Outline was presented. The questionnaire included 12 questions. The third question was whether those who can collect cash or cash payments are different than those who can adjust customer accounts. Mr. Jurges explained that the Community and Economic Development Department handles all front-counter receipts of cash for the City. Although that department can adjust customer accounts, all adjustments must be approved by the Finance Department. He explained that having mitigating control helps satisfy that requirement. Council Member Bracken noted that a similar pattern was reflected with Wasatch Front Waste and Recycling. He felt that from a customer service perspective, having services verified in one department is more convenient.

The Progress Assessment was revisited. Mr. Jurges stated that the City scored full points in every area with one exception. The assessment asks if the entity has a formal internal audit function. The reason for the absence of an internal audit function is the requirement for a separate person who does not report to him or the Finance Department. As a Certified Public Accountant (“CPA”) and David Muir who is a Certified Internal Auditor, both have the skills to provide the work but are involved in much of the day-to-day work. As a mitigation function, all employees can potentially report something to the Finance Department. The most appropriate person who is the least connected to the issue would review the report. Should a larger issue arise, an outside Auditor may be retained to conduct an overall review. Alternatively, this area would not provide an adequate amount of work to justify a full-time employee or the added expense of an outside Auditor. Mr. Jurges stated that a formal internal audit function is absent in most small municipalities. Because the City scores 375 points of the 395 points available, they fit within the Very Low-Risk Level.

The Progress Assessment came to the City for the first time five years ago. Its completion and posting to the State Auditor’s website is required annually. In speaking with the Auditor’s Committee, it was recommended the assessment be reviewed by the full City Council.

c. **Sports Court Ordinance Discussion – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reviewed the Sports Court Ordinance and stated that a moratorium was recently issued on certain qualifying outdoor sports courts. Recommendations were taken to the Planning Commission during two separate Work Sessions. There was consensus that something needs to be done but not on specifically what that is and to what level. The Commission thought it would be helpful to receive preliminary input from the City Council. The matter would next return to the Planning Commission as a draft ordinance. Following the public hearing, the City Council would determine how to proceed.

A PowerPoint presentation was shared. In October, Staff presented an original draft ordinance with recommendations. The various options included the following:

- Require a generous setback from property lines, with the option for a reduced setback if a sound study indicates that acoustic buffering measures have reduced the impact.
- Focus more broadly on any type of yard noise that causes an issue rather than the specific impacts of Pickleball.
- Require a Building Permit with an Affidavit that commits the applicant to staying below the Noise Ordinance threshold.
- Require neighbor consent from all adjacent neighbors.

Compared to other court sports, Pickleball produces sounds at a louder level than 70 dB at a distance of 100 feet. In terms of volume, the sound level ranks with loud household appliances. Mr. Johnson stated that the Salt Lake County Health Department Ordinance states that 55 dB to 60 dB is the acceptable range. Pickleball produces a higher pitch and creates a tone that produces a higher Hz than other uses. Three concerns heard by the Council pertained to lighting, noise, and fencing.

Mr. Johnson noted that in Staff's analysis, there are mechanisms in place that regulate the current lighting and fencing ordinance. Courts with lighting issues are largely due to them being installed without proper City approval. With a fairly restrictive Lighting Ordinance, Staff believes it may not be a substantial issue. Best practice would include lights that are much taller and brighter than the current ordinance allows.

- 21,780 lumens/acre in Single-Family zones east of Wasatch Boulevard.
- 43,560 lumens/acre in other Single-Family zones.
- Must be full cut off.
- Fixtures shall be no greater than 12 feet in height.
- Automatically extinguish in sunlight and after 11 PM.

The following standards are currently in place for fencing requirements.

- If fencing is built on the property line, it needs to conform to the requirements.

In rear yards:

- 6 feet - Permitted Use.
- 8 feet - Conditional Use
- 12 feet - Conditional Use with approval of the neighbors.

If fencing is constructed off the property line, it shall be reviewed as an accessory structure and must meet the following:

- 3-foot setback; and
- The 14-foot height limit.

Mr. Johnson reported that six-foot fencing, by right, is permitted without the permission of the City. Height may be increased to eight feet and subsequently up to 12 feet with escalating levels of Conditional Use required. If a fence is set back and treated as an accessory building, the height may be increased to 14 feet. Mitigation may include:

- Quiet paddles/balls (seem to only reduce noise level ~5 dB);
- Structures/acoustic wraps (maximum reduction of 32 dB);
- Vegetation (highly variable; seasonal);
- Indoor courts; and
- Distance.

Mr. Johnson stated a highly rated acoustic wrap may result in a noise reduction of up to 32 dB. Conducting a Noise Mitigation Study to determine an acceptable noise level and landscape buffering were also options. He clarified that the cleanest way to mitigate noise impacts is to create distance. Based on research, a 150-foot distance to the property line is where noise levels decrease to an acceptable level. It was noted that requiring a 150-foot setback from all adjacent property lines for a residential Pickleball court would preclude most properties in the City from installing a court.

Council Member Birrell questioned how far the Cottonwood Heights Recreation Center Pickleball courts are from the adjacent properties. With a potential 400-foot setback requirement, she felt that the City's own public Pickleball courts would be out of compliance. Mr. Johnson clarified that Staff is not recommending a 400-foot setback. Staff's recommendation will start at 150 feet and allow for reductions if noise mitigation can demonstrate that the noise impact will be brought down to an acceptable level. They would also allow for a reduction of 75 feet with a fixed mitigation method that brings the dB levels down to 65 dB or lower. Council Member Bracken confirmed that the Recreation Center Pickleball courts are just under 300 feet from the adjacent homes. Mr. Johnson noted that the Planning Commission Members were concerned about the proposed language being overly restrictive and that it singles out Pickleball over other uses.

Additional mitigation options could include the following:

- An outdoor Pickleball court ban in certain zones;
- Neighbor approval within a defined radius;

- Go through the Building Permit process;
- Provide a signed affidavit;
- Quiet equipment requirements; and
- A different setback distance measurement between structures.

Mr. Johnson reported that there was not a consensus on the Planning Commission. He welcomed direction from the City Council.

Council Member Holton stated that he recently became aware of a new game called Paddle Smash, which is a combination of Pickleball and Spike Ball. Paddle Smash does not require a Pickleball court. He felt that any action taken should not be geared toward more than just a permit for a Pickleball court. The enforcement of decibels was considered.

Council Member Birrell commented that similarities already exist. She has neighbors who have a dog that incessantly barks for hours at a time. When she calls Code Enforcement, they discuss her rights as a resident and issue a warning or citation. She felt there was a need to discuss societal impacts. It was her opinion that the City Council avoids allowing for anything that has the potential to become difficult and unpleasant in neighborhoods. She recently learned that Midway has restricted sports court lights on Pickleball courts which curtails the activity after dark. Mr. Johnson confirmed that the current ordinance caps lighting heights at 12 feet. The Lighting Ordinance includes a low light requirement with warm fixture temperatures shielded downward. It was noted that none are conducive to playing sports outside late at night.

Council Member Bracken supported setbacks being measured from the property line to avoid disturbance to the neighbors. Council Member Holton questioned the difference in noise between a neighbor who has a setback and chain link fencing and a neighbor with no setback and a solid wall. Mr. Johnson stated that conducting a Noise Study, analyzing the distance, and analyzing wall height through a permitting process would be beneficial. He recommended flexibility that would allow someone willing to mitigate noise impacts with fencing and sound-dampening materials. Limiting hours of use was also discussed.

Council Member Birrell understood the noise issues and the reason behind the uproar of the surrounding neighbors. Pickleball comes with the cadence and ability to play on concrete, which is unprecedented. It differs from other sports and she questioned whether it is for the common good.

Based on the discussion and feedback from the Planning Commission, Mr. Johnson recommended the following mitigations:

- Require a Permit;
- Require a signed Affidavit;
- Establish a minimum setback without conducting a Noise Study,
- Reduce setbacks based on a Noise Study that results in the noise at the property line being at an acceptable level.

It was confirmed that if the existing courts comply with the standards that are in place pre-moratorium, they should be allowed to remain as-is.

Council Member Bracken commended City Staff for their efforts and for providing feedback.

d. **Fort Union Traffic and Speed Discussion – Public Works Director/City Engineer, Matt Shipp and Police Chief, Robby Russo.**

Mr. Tingey reported that several tragic incidents have taken place in the community and it is always devastating to hear reports of injured pedestrians. He stated these are difficult issues and he worries constantly about the safety of Cottonwood Heights residents. There were three recent incidents on Fort Union Boulevard. Two involved driver impairment and the third was an unfortunate situation. He confirmed that a HAWK signal was planned for this location and has been in process for several months. Installation requires the relocation of Rocky Mountain Power lines and poles and property acquisition. The City is doing all it can to expedite the process. Information on a procedure to evaluate speeds was provided to the City Council and staff can move forward at their discretion.

Council Member Bracken recommended that the City Council carefully consider whether they are addressing the public outcry or the issue itself. Enforcement has been implemented and staff will continue to address the impairment issue. It was noted that the City will continue to look at the road design.

Public Works Director/City Engineer, Matt Shipp reported that he was asked to review the regulations and rules regarding speed limits along Fort Union Boulevard. It is a wide-open road and lends itself to speeding, which is directly related to road design. Several issues need to be considered to set speed limits for a particular road. When conducting a traffic study on speeds, the following must be considered:

- Traffic volumes;
- Road type;
- Road features;
- The setting of urban-rural residential;
- The spacing of driveways or intersections;
- Sight distance (both horizontal and vertical);
- Parking; and
- Pedestrian and bicycle activity.

In conjunction with State Code speed regulations, Mr. Shipp stated that Cottonwood Heights City Code Section 11 clearly defines how speed limits are to be set by way of the Transportation Engineer and the City Council. A speed study must be conducted prior to making any changes. The Federal Highways Manual (“FHU”) and Section 2 of the Manual on Uniform Traffic Control Devices (“MUTC”) state that a Speed Study must be conducted to set speed limits. He recommended that the City Council direct staff to conduct the speed study. Staff will then present the results to the City Council who will make the final decision. He reiterated that this would not

be a traffic-calming effort. The intention was to focus on taking in all of the previously mentioned factors. It was estimated that a timeline of two months would be needed for completion of the study, which will be based on specific conditions to gather information correctly.

Council Member Birrell questioned the costs associated with the Speed Study. Mr. Shipp stated that this service would be outsourced and estimated the cost to be \$10,000 to \$15,000. The City Council will determine which section of Fort Union Boulevard is preferred for the speed mitigation improvements. He noted that limits are important and will be left to the discretion of the City Council.

Council Member Holton stated that there are multiple strip malls, shops, and residential buildings with vehicles coming in and out along Fort Union Boulevard west of Highland Drive. He asked if they could get feedback on bidding the entire stretch or section by section. Council Member Birrell reminded the Council that there are immediate issues that require their deliberation. Safety is the top priority. She urged the City to consider taking temporary, inexpensive, immediate action that is separate from the formal and necessary speed study. She suggested they hear from the Citizen Advisory Committee and their envisioning of a Main Street feel as they anchor to the City Center. She liked Council Member Holton's idea of bidding out the street section by section or a much larger section.

Chief Russo supported conducting a Traffic Study to determine the numbers involved. With the recent unfortunate events, enforcement officers have been assigned to address the issues. He noted that none of the recent cases involved speed. 60% of recent Driving Under the Influence ("DUI") offenses are not alcohol-related and involve Fentanyl and opiates. Council Member Birrell was frustrated by the premise that 40 MPH is an acceptable speed. Fort Union Boulevard is an urban street and should be posted at a much lower speed limit. She felt that they were excusing the problem by claiming that speeding was not taking place. She stated that speed limits in the City are not based on the safest speed imposed in other cities to protect all users. Chief Russo emphasized that with impaired drivers, speed makes no difference and they are not concerned with the posted speed limit.

Council Member Bracken asked about the City's ability to provide a temporary, more immediate solution along Fort Union Boulevard. Mr. Tingey explained that to move forward, the City Council must first provide direction on the Speed Study and take a more in-depth look at alternative design elements. It was determined that the study area would include the 120 feet west of Mountview to 2700 East. Staff could move forward with estimates and a formal RFP would not be required to obtain bids. He confirmed that there is funding in the budget for these types of issues. A preferred study area was discussed.

Council Member Birrell reported that she and Mayor Weichers are interested in the Safe Systems approach. Safe Systems is based on being proactive and not giving as much credence to Level of Service or the 85% percentile rule, as has been done historically. She was opposed to safety measures being based on either. Mr. Tingey reminded the Council that their current focus is on whether to change the speed. Although other shared concerns are important, this is part of a long-term portion of the Master Transportation Plan that requires a more in-depth discussion and implementation with the Capital Improvements. Council Member Bracken did not support

ignoring standard operating procedures and best practices. He supported any changes resulting from the Speed Study and the Engineer's recommendations.

Council Member Birrell disagreed with the statement that bollards and candlesticks cannot be used arbitrarily because there are several devices used to slow traffic daily near schools. She understood that the public claims that Fort Union Boulevard is dangerous 10 to 14 hours per day and that there is a demand for immediate change.

Council Member Holton understood that the City Council supports the completion of a Speed Study and putting out an RFP for the longer stretch as initially discussed.

e. **City Planning Project Updates – Community and Economic Development Director, Michael Johnson.**

Mr. Tingey recommended that the remaining two items be tabled to a future meeting. Information was provided and updates would continue to be provided.

Mr. Johnson provided the following overview of the following City Planning Project Updates:

- The Town Center Redevelopment Project is underway.
- Ferguson Park is completed and open with lights planned for shielding.
- The Big Cottonwood Canyon Trails have new wayfinding and trail signs installed. Signs are located through Knudsen Park and the City of Holladay.
- The General Plan Update is being prepared for public input. The Form-Based Code will be included in the General Plan update presented at a future Work Session.
- The Dover Hill Park two-year timeline has begun. The park will be complete and open per the City's Development Agreement with Ivory Homes in the next 18 months.
- The East Jordan Canal Feasibility Study will determine what is required to extend the East Jordan Canal further along the back of Mountview Park.
- The Transportation Master Plan is on the Business Meeting Agenda.
- The Highland Drive Shared Use Path. The Salt Lake County Tourism, Recreation, Culture, and Convention ("TRCC") Funding has been applied for. No response has yet been received.
- The Little Cottonwood Canyon/Bonneville Shoreline Trail Trailhead Design was underway for the 26-acre parcel purchased by the City. The Conceptual Preliminary Design work for the trailhead was underway.
- The Fort Union Boulevard Shared Use Path Bike Lane Project will connect the two residential developments across from Mountview Park past the fire station with a grade-separated bike lane and sidewalk. Staff was in the beginning stages of acquiring the property.

f. **City Council Retreat Policies Review – City Manager, Tim Tingey**

Mr. Tingey reported that the City Council Retreat will be an all-day event with Staff and the City Council to work through policy priorities for the upcoming year. It will take place in the City.

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

- a. **November 21 – General Election: Voting Centers open from 7:00 a.m. to 8:00 p.m.**
- b. **November 24 – December 7 – Holiday Decorating Contest.**
- c. **November 27 – Light the Heights at City Hall.**

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

There was no Closed Meeting.

7.0 **ADJOURN CITY COUNCIL WORK SESSION.**

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

The Work Session adjourned at 6:26 p.m.

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

Members Present: Council Member Scott Bracken-Mayor Pro Tempore, 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

Excused: Mayor Mike Weichers

1.0 WELCOME

Mayor Pro Tempore Scott Bracken 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 CITIZEN COMMENTS

John Kennington reported that he lives in Apple Valley and is a retired Civil Engineer. As a cyclist, he appreciates that the Cottonwood Heights Transportation Plan includes bike lanes and multi-use roadways. Although the plan eludes to an emphasis on safety, it seemed car-centric. He stated that all of the projects appear to be on road rights-of-way with no off-road projects providing access from the east to 7200 South and the commercial area. He recommended that the City Council pause and allow the City’s Parks, Trails, and Open Space (“PTOS”) Active Transportation Subcommittee an opportunity to review the Transportation Master Plan for suggestions to improve safety. He commented that it is important to implement lower speeds and traffic calming in key areas. The Transportation Safe Systems and Vision Zero approaches may have relevance in future design decisions. He urged the City Council to pause their approval until there is a better definition of the Hillside Plaza Design. He was present for the Cottonwood Pipeline Project discussed during the Work Session and commented that it is complicated. He and others in District 4 would appreciate progress updates.

Council Member Birrell asked Mr. Kennington to forward information regarding the 15-Minute City Concept. Mr. Kennington agreed to send the information via email.

Larry Larsen was aware of efforts to change the speed limit on Wasatch Boulevard to 35 MPH. He preferred it remain at 50 MPH since it is a State Road. His understanding was that it would be expanded to four lanes. He felt there would be a better flow and eliminate backups if the speeds remain unchanged.

Jennifer Cottam was present representing the Active Transportation Committee. At the previous Business Meeting, Paula McFarland shared the Committee's desire to move forward with the Safe Systems Transportation Approach. Ms. Cottam reiterated their support of the Safe Systems and that it be used as a guideline. The Safe Systems Transportation Approach is made up of five elements. Three consist of equality in addressing all transportation modes, safe vehicles being incorporated with the latest technologies, and safe speeds. She remarked that speeds slow when there is construction and she encouraged the City to implement them immediately.

Don Smart, a 25-year resident, appreciated the due diligence of the City Council regarding Pickleball courts. He believed the goal was not to view Pickleball as negative but to address the concern with the 70dB noise level. Six backyards join together with one constructing a Pickleball court that is 13 feet from his property line. Mr. Smart's concern was with the noise and lighting and specifically compliance with the City's Noise Ordinance. The neighbors are tasked with policing the noise. He thanked the City for their efforts and supported a 100-to-150-foot setback.

Dan Mills, an Old Mill Estates resident, owns a physical therapy business in Cottonwood Heights. He was hardened by the Fort Union Boulevard discussion and responses from Staff. Although it felt combative, there was unity among the residents. He offered reassurance that the majority of residents are anxious to see improvement. The Fort Union Master Plan, the Town Center, the Form-Based Code, and opportunities for economic development work together to give the impression that there is a desire for change on various levels. He encouraged further discussion and following the rules. He was not opposed to vehicles traveling through Cottonwood Heights and wanted to support residents, visitors, and those who patronize local businesses. If roads do not look preferential on Google Maps, a driver the ability to quickly segway out onto I-215 is complimentary to the City. He thanked the Council for their service.

Lynne Kraus agreed with Mr. Mills' comments and wanted to address the Fort Union Master Plan. She met with Mayor Weichers who explained that efforts were being made to lower the speed and improve safety. It was her opinion that setting the speed based on an 85th Percentile Traffic Study could cause an increase in the speed limit. She felt that the Fort Union Master Plan should be implemented and include street redesigns to improve safety. The Plan originated in March 2017 and included 42 residents. She read from the original Master Plan that states that although three group designs were presented, all included landscape medians, wider sidewalks, and slower speed limits. They also included bike lanes, trees, and benches along the corridor. Distributing the Plan to those on the Hillside Advisory Committee was suggested.

Nancy Hardy agreed with Ms. Kraus' statement regarding the Fort Union Area Master Plan being shared with the Hillside Advisory Committee. She was one of the 42 residents on the 2017 Plan and encouraged the Council to read it. There are four studies on the City's website under City Services. All four pertained to safety concerns along Fort Union Boulevard. She questioned how many vehicles exceed the speed limit and run red lights. She asked what the speed limit was when

the City was incorporated in 2005 and when the first study was completed in 2013. The Zions Bank Study identified three key findings listed in the Transportation Analysis for Fort Union Boulevard. Council Member Bracken confirmed that the speed along Fort Union Boulevard has not changed since the City's incorporation.

Kevin Dolan thanked the City Council and stated that he loves the round-a-bout in front of City Hall. He was also pleased that Ferguson Park has been so well received. He stated that walking along Danish Road can be risky and he looked forward to the completion of the sidewalk improvements. Speeds along Fort Union Boulevard are posted at 50 MPH but he estimated that cars travel 60 MPH.

Mike Falk reported that he is a long-time resident and noted that the Highland Drive and Bengal Boulevard intersection is covered in campaign signs. He was told that the property where the signs are posted is a Public Utility Easement and although having been told to remove the signs, they remain. He asked why they have not been taken down and stated that the District 1 voters deserve an apology.

JoAnn Frost is a resident of Cottonwood Heights and an original Planning Commissioner from 2005. She was in awe of the beauty of the City Hall Building and commended the City Council and Staff for their efforts. Although the City's population has dropped slightly, she felt it would also impact the characteristics of how the community is developed and its use. She reported that Fort Union Boulevard is a thoroughfare and now is a good time to make improvements. She was pleased to see that through the Corporate Centre, some land was preserved with the park trail going through. As a District 4 resident, safety is of ultimate concern. Crime is low and the City is served well. Traffic at certain times can be difficult but she felt the City was on the right track.

Suzanne Hyland identified herself as a resident of District 2 and thanked the City Council for hearing about the various positions on Pickleball courts. This issue is unprecedented and online research refers to public courts and focuses on hearing all points of view. She reiterated her concern that neighbors should not be put in the position of enforcing the ordinance. She had found that any ordinance that cannot be enforced is useless. The cost to construct a Pickleball court ranges from \$30,000 to \$50,000. She stated that it is unfair to residents who have already put in courts but will not be able to use them because they exceed the allowable decibel thresholds set forth in the ordinance. When there is a permitting process and Sound Study, she urged the City Council to ensure that it is fair and reduces negative impacts.

Dan Egan reported that he is a backdoor neighbor to a court that was poured prior to the moratorium and has not been put into use. He was concerned about how some of the rules in the proposed ordinance will apply to existing courts. He felt it would be unfair for the owner of an existing Pickleball court to argue that the proposed ordinance rules do not apply. He considered the 150-foot setback that was discussed previously to be arbitrary. If there is no science to back the setback requirement, it may not be sustainable. He appreciated the City Council for addressing this issue and offered his assistance as a retired lawyer.

Jennifer Young reported that she is a 20-year Cottonwood Heights resident and business owner. She wanted to address the Master Plan for traffic and the virtues of slower speeds. She looked

globally to find solutions for local challenges. When traveling abroad, they had a special place to come home to with there being so many benefits to living in Cottonwood Heights. She recently returned from Nepal, where the heavy traffic and no lights or stop signs. Kathmandu Valley has a population that is similar to the Salt Lake Valley yet they have fewer traffic accidents and fatalities. There are fewer accidents because motorists are forced to go slower with so many cars and motorcycles on the roads. She emphasized that a 5 MPH slower speed limit improves the reduction of fatalities by 30%. Traveling 10 MPH faster than the posted speed limit saves the average commuter only 26 seconds per trip or two minutes per week. She thanked the City Council for supporting slower speeds in the community.

Micki Harris stated that for the candidates who are present, she hoped they hear the concerns of the residents. On her way to the meeting, there was an accident on Golden Hills Drive and Wasatch Boulevard. She witnessed a near vehicle and bicyclist accident. She noted that because of the chicane, the cyclist's life was saved. Two days prior, it had been one year since her sister-in-law was hit and killed on a bicycle. She was 44 years old with five children. Her grandmother was hit in a crosswalk coming home from church. She was killed instantly just four days before Christmas. She does not want her concerns to be dismissed and was not satisfied with increasing speeds. She commented that due to time and expense, simply painting a road to narrow it can be effective. She urged the Council to make them narrow and safe for everyone.

Tad Turgeon lives in District 4 and thanked the City Council for allowing him to speak and for the positive things taking place in the City. He was also pleased with the roundabout. As a resident and business owner, it was his opinion that the Fort Union Master Plan should be followed. He noted that every time they deviate, there is debate. He was speaking specifically about traffic issues at Bella Vista Elementary near the Library. He felt there should be better signage to warn motorists. Mr. Turgeon reported that his wife works at the intersection and sees cars screech to a stop daily. She is a teacher and the area is oddly constructed with a 40 MPH speed limit that creates more problems. He supported a Traffic Study but urged the City Council to take action now. He urged them to also work with the various agencies to complete Fort Union Boulevard.

Randy Long, a 50-year resident, is an avid hiker and supported the completion of the Bonneville Shoreline Trail. He believed that parking should be allowed on adjacent streets. With inadequate parking along the trail, it is one extra mile from the parking lot to the trail.

Runar Bowman (via Zoom) reported that he lives in District 3 and is a long-time road cyclist. He traverses Wasatch Boulevard frequently and was strongly opposed to constructing sidewalks there. He believed that placing pedestrians alongside cyclists who travel upwards of 30 MPH is a bad idea. His main concern was with distracted drivers who endanger both cyclists and pedestrians. He did not support decreasing speeds and creating a multi-use road with cyclists and walkers next to a busy road. He believed that placing everyone on one pathway would create more congestion and increase the danger.

Mr. Johnson reported that some comments were received electronically. They were forwarded to the City Council and added to the record and the Utah Public Notice website. Comments were received from Holly Josephson, Audrey Pines, and Mary Ellen Johnson.

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

4.0 PUBLIC COMMENT – Transportation Master Plan.

There were no public comments.

5.0 ACTION ITEMS

5.1 Consideration of Resolution 2023-57 Approving an Independent Contractor Agreement for Land Use Hearing Officer Services.

Mr. Tingey stated that the above resolution involves the consideration of an Independent Contractor Agreement for Land Use Hearing Officer Services. Staff went through the RFP process to fill the position. Three submittals were received. Frank McNamara was selected and has over 30 years of experience in Municipal Government work. Staff recommended approval of the resolution.

MOTION: Council Member Holton moved to APPROVE Resolution 2023-57 – Approving an Independent Contractor Agreement for Land Use Hearing Officer Services. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, and Mayor Pro Temp Bracken-Aye. The motion passed unanimously.

5.2 Consideration of Resolution 2023-58 Approving an Appointment to the Arts Council.

Mr. Tingey stated that the above resolution involves consideration of approval of an appointment to the Arts Council. He interviewed Laura Paulsen Howe who applied to serve. Ms. Howe has extensive experience in a variety of different arts work and is excited to serve. Staff recommended approval of the resolution.

Council Member Bracken encouraged residents to enjoy the Arts Council displays in City Hall. He was amazed by the talent in the community.

MOTION: Council Member Newell moved to APPROVE Resolution 2023-58. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, and Mayor Pro Temp Bracken-Aye. The motion passed unanimously.

6.0 CONSENT CALENDAR

6.1 Approval of the Minutes of the City Council Work Session, CDRA Business Meeting, and the City Council Business Meeting of October 17, 2023.

MOTION: Council Member Newell moved to APPROVE the Minutes of the City Council Work Session, CDRA Business Meeting, and City Council Business Meeting of October 17, 2023. The motion was seconded by Council Member Holton. The motion passed with the unanimous consent of the Council.

7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The City Council Meeting adjourned at 7:55 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meetings held Tuesday, November 7, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: December 5, 2023