

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, DECEMBER 5, 2023, AT 4:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Mayor Mike Weichers, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member 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

**1.0 WELCOME – Mayor Mike Weichers.**

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

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

Mayor Weichers reviewed the Business Meeting agenda items. Following the Pledge of Allegiance, there was an Acknowledgment, which was the Acceptance of Financial Statements. Every year, Administrative and Financial Services Director, Scott Jurges, does an acknowledgment of the financial statements that were audited. The Auditor will also be present at the Business Meeting to answer questions. The next item on the agenda was the Citizen Comment period.

There were several Action Items on the Business Meeting agenda. The first was Consideration of Ordinance 406 – Adopting an Annual Meeting Schedule for 2024. City Manager, Tim Tingey, reported that this is done each year. The schedule outlines all public meetings for the City Council, Planning Commission, Architectural Review Commission, and other Advisory Committees. Modifications can be made as needed but this will set the schedule for the year.

The next item on the agenda was Consideration of Resolution 2023-59 – Approving Disposal of Unclaimed Property or Former Evidence. Police Chief, Robby Russo, reported that from time to time, the Evidence Room is cleaned. There are circumstances where the owner of an item cannot be identified or the item is no longer needed for prosecution and can be released. There are also certain circumstances where items are unable to be returned to the owners. In those cases, permission is sought from the City Council to dispose of the unclaimed property or former evidence. Those items become surplus and are then sent to an Auction House, with the exception of firearms. Chief Russo reported that the company contracts with the City to sell the items and keeps 10%. The remaining 90% goes back to the City. The money then goes into the General Fund. Mayor Weichers asked how often the process takes place. Chief Russo stated that the process generally occurs bi-annually. It is important that the Evidence Room not be overcrowded. An audit was also conducted to ensure that everything that was supposed to be in the Evidence Room was there and accounted for.

The next item to be addressed was Consideration of Resolution 2023-60 – Declaring Certain Property Surplus. Chief Russo reported that the surplus property includes 15 Motorola handheld radios that were formally used by the Cottonwood Heights Police Department. They have become outmoded due to a system upgrade of the Utah Communications Agency System. The radios no longer have value to the Police Department or any other law enforcement agency in the State. There might be a market for them elsewhere and that had been researched, but he did not believe a lot of money would be received for those items. It was discovered, however, that the Town of Alta can utilize them for public safety operations as the Utah Communications Agency System is not used. Since the Town of Alta can utilize the handheld radios, he thought it made sense to pursue that. City Attorney, Shane Topham, reported that the Interlocal Agreement between the Town of Alta and Cottonwood Heights states that the City will sell the radios to them for \$10. Under the Interlocal Act, agencies can donate or sell items for less than fair market value.

Council Member Birrell asked if radios the City had in the past were sold. Chief Russo explained that the radios have been there since the start. The radios previously functioned on the system and were repaired as needed. He clarified that the radios still work but will not function with the new system. New compatible radios are needed. He reiterated that radio systems have not been declared surplus or been sold by the City before. Chief Russo shared information about the new radio system and the improved efficiencies. Council Member Newell believed the City donated some radios to another department last year. Chief Russo confirmed that something similar was done previously with old Tasers.

The next item on the Business Meeting agenda was Consideration of Resolution 2023-61 – Approving Entry into a Grant Agreement with the Utah Division of Arts and Museums for Fiscal Year 2023-2024. Mr. Tingey explained that this is a grant the City typically receives each year through the Utah Division of Arts and Museums. It is a \$4,500 grant to offset Staff support costs throughout the year. It was matched through the budget and approval was recommended.

The Council would next look at Consideration of Resolution 2023-62 – Approving an Appointment to the Arts Council. Mr. Tingey reported that the appointment was for Sirima Atikul. Members of Staff interviewed Ms. Atikul, who has an impressive background. She wanted the opportunity to serve and will bring very good marketing skills to the Arts Council. Staff recommended approval of the appointment and looked forward to her future participation.

The next item on the agenda was Consideration of Resolution 2023-63 – Approving Entry into an Agreement with Salt Lake County for Tier II ZAP Funding. Mr. Tingey reported that the resolution pertains to Zoo, Arts, and Parks (“ZAP”) Funding. \$16,910 would be received for use by the Arts Council. A match was already included in the budget and Staff recommended approval of the Resolution.

The last Action Item on the Business Meeting agenda was Consideration of Resolution 2023-64 – Approving an Amendment to the City Manager’s Employment Agreement. Mayor Weichers reported that Mr. Tingey is in the last year of the Agreement, which runs through October 15, 2024. The City will look at an amendment to enter into another three-year contract with Mr. Tingey. Council Member Bracken questioned whether discussions should take place in a Closed Meeting. Mr. Topham clarified that it would depend on the nature of the discussions.

Council Member Birrell acknowledged that the City Manager position is important to the City. She wanted to review the contract before voting. She also thought it would be helpful to have a better understanding of the evaluation process that the City Manager and key members of City Staff go through each year. Mayor Weichers reported that during the evaluation period, Mr. Tingey distributed an email to the City Council Members that included a copy of the current contract. It was sent out on October 6, 2023. Council Member Holton asked if there was a copy of the Resolution to review. Mayor Weichers stated that the City is considering different options. There was the option to extend the current contract into a new three-year contract without any changes. However, it was also possible to suggest changes. Mr. Topham clarified that if changes are proposed and approved, they would not go into effect until October 2024 with the new contract.

Council Member Bracken noted that there might need to be a Closed Meeting to discuss certain matters. Mr. Topham reiterated that if the discussion is focused on the character and professional competence or physical or mental health of an individual, then a Closed Meeting is appropriate. There was discussion about whether a Closed Meeting was necessary. Council Member Holton was not sure what terms the Council was being asked to vote on and expressed a desire to review the contract. Mr. Topham stated that the version he prepared and circulated as part of the Meeting Materials Packet simply extends the term an additional three years beyond October 15, 2024. The original contract was entered into in October 2018. It was extended to run through October 2021 and was then extended for an additional three years. It currently runs until October 15, 2024. The document shared with the Council would extend it until October 2027. Under State Law, the Council is not bound to see the contract through to the end. The Council can terminate the relationship early if there is dissatisfaction.

Council Member Bracken believed that during the last renewal process, a comparison was done with other City Managers in the area in terms of compensation, benefits, and the length of the contract. It remained fairly standard and equitable. Mr. Topham confirmed this. Any changes made were done in relation to the market. Mayor Weichers noted that there are potential changes to consider, which were to make the City Manager ineligible for Cost-of-Living Adjustments (“COLA”) and to cap merit increases at 3% per year. A second contract was prepared by Mr. Topham that included those changes. The question was whether there was a majority to move forward with the amendment to the contract. Council Member Bracken noted that COLA is typically discussed during the budget. It was intended to cover Cost-of-Living Adjustments and it seemed odd to him to separate that out, especially if everyone else, including the City Council, receives the COLA. As for the merit increase, he did not believe the City Manager had ever been given the full 5%. It is normally less than that so he was not sure of the reasoning behind reducing the maximum amount in the contract.

Mayor Weichers pointed out that a 5% merit increase in the current salary is a significant number. Council Member Bracken pointed out that the full 5% merit has not been given in the past. The Council determined the number as a group. Council Member Holton asked about the salary amount. Mr. Topham reported that the dollar amount of the salary was included in the original contract. Since then, there have been COLA and merit increases, so that number shifted. Council Member Holton was supportive of approving the City Manager Contract for three years. He was fine with the terms to remove the COLA and have the merit cap at 3% per year. Council Member Bracken reiterated concerns about removing the COLA. Council Member Newell thought it was problematic to separate

one person from everyone else with regard to COLA. He pointed out that the approach could be considered discriminatory and he did not support that part of the proposal.

Council Member Holton suggested that employees who are maxed out at a certain salary do not receive merit. Council Member Birrell questioned whether the idea was for the Council to deliberate on a policy for a maximum salary cap for executive positions within the City. That kind of policy decision would not be viewed as discriminatory. Council Member Newell believed it would depend on how it is stated and who the policy decision impacted. Council Member Holton noted that other positions in the City have certain parameters, such as not receiving merit. The City Manager position was unique because it is a contracted position. The question was whether the City Council should put some similar parameters on that position as well.

Mayor Weichers acknowledged that it was not an easy decision to make. As for COLA, he pointed out that inflationary pressures tended to more heavily impact people who were paid less. Council Member Holton noted that the Council wanted to make sure the decision was equitable and fair to all. This was more of a general discussion than something that related specifically to Mr. Tingey or his work. Council Member Bracken thought these types of discussions should be had by the Compensation Committee. As far as putting a range in place for the City Manager position, he suspected some cities do that. Wasatch Front Waste and Recycling has that in place with their Chief Executive. It is not a cap necessarily, but there is a range in place.

Council Member Bracken reminded the Council Members that there is a reason the City Manager contract ends in October as opposed to July. This had to do with the budget process because there have been situations in the past where the City Manager was lost in the middle of the budgeting process. There was also turnover in the Finance Department at that time. He recalled that there were a lot of challenges then, so the decision was made to have the City Manager contract run into the fall season. Council Member Holton asked if the Council Members felt there should be parameters in place for the City Manager position. There might need to be some guardrails in terms of compensation. Council Member Bracken reiterated that it was a matter for the Compensation Committee to consider. He thought it made sense to approve the contract, as it had been presented. He pointed out that amendments could be made in the future.

Mr. Topham reported that the contract currently provides for a COLA increase each year and a merit increase is between 0% and 5%. Ultimately, changes desired by the City Council could be handled via a subsequent amendment. Council Member Bracken thought it made sense to extend the City Manager contract as presented but have additional discussions with the budget. Mayor Weichers asked the Council about the proposal to limit the merit to a 3% cap. Council Member Holton believed that the decision would depend on whether there is a COLA. Council Member Birrell pointed out that the current contract is in place until October 15, 2024. She suggested that the City Council table the matter so there could be additional discussion. Currently, she does not feel prepared to take a position on what was proposed.

Council Member Birrell referenced the study that looks at positions within municipalities throughout the region. She read through it and found that it addressed most positions but did not include the City Manager position. She was not sure there was a true comparison for the City Manager position. Records, Culture, and Human Resources Director, Paul Melgar, reported that a recent comparison

was provided to the City Attorney. Mr. Topham noted that the only adjustment made to the contract in 2021 was to add in the automatic COLA and the merit increase of 0% to 5%. There was not an automatic COLA included in the contract prior to that change.

Mayor Weichers did not believe the evaluation should be tied to the renewal. If that was separated, it would be possible to finish the evaluation process. He offered to move forward with that. It sounded like the City Council wanted to take more time to discuss the future contract. Council Member Birrell pointed out that there were two iterations. She asked which one was proposed to be voted on by the City Council. Mayor Weichers believed that would be determined during the Closed Meeting that was to take place at the end of the Work Session.

After the Action Items had been voted on, the Council would vote on the Consent Calendar during the Business Meeting. It included Meeting Minutes from November 7 and 21, 2023.

### **3.0 CENTRAL WASATCH COMMISSION (“CWC”) REPORT – Ms. Lindsey Nielsen, Executive Director.**

Central Wasatch Commission (“CWC”) Executive Director, Lindsey Nielsen, was present to share the CWC Report with Council Members. Each year, there is a visit with the different member jurisdictions to share an update on the portfolio of work. It had been one year since she last visited with the Council. She reported that the CWC is an interlocal entity. Local governments and elected officials operate by consensus to address longstanding issues and aspirations for the Central Wasatch Mountains. Mayor Weichers is a Board Member and serves on a number of committees. The CWC was a unique organization that brought together many interest groups.

The main purpose of the CWC is to convene. Ms. Nielsen reported that many interest groups are brought together to discuss issues and focus on conflict resolution. She reviewed the member jurisdictions involved in the CWC. There is a Board with eight voting members and three ex-officio members. The Uinta-Wasatch-Cache National Forest, Utah Transit Authority (“UTA”), and the Metropolitan Water District of Salt Lake and Sandy are non-voting Ex Officio Members. Ms. Nielsen reviewed the member jurisdiction benefits, which include the following:

- Consensus approach to land and watershed protection and decision-making;
- Consensus-based transportation approach;
- Short-term improvements in the mountains;
- The Visitor Use Study;
- The Environmental Dashboard; and
- Regional stakeholder involvement.

Ms. Nielsen reported that there is a Short-Term Projects grant program that has been administered since 2020. Approximately \$200,000 was dispersed through that program to maintain trails, build bridges, support land conservation easements, and address other needs around the project area. She clarified that the project area includes the Tri-Canyons and Parleys Corridor. There is a 35-member Stakeholders Council. The Council Members were identified. All of the various interest groups are represented, including private citizens as well as those interested in recreation, conservation, economic interests, transportation, and cultural and educational aspects.

Something new for the CWC was the development of a Youth Council. The Youth Council has members between the ages of 16 and 30. Ms. Nielsen reported that the Youth Council met for the first time in October 2023. 15 young people who were enthusiastic about the issues that faced the Central Wasatch came together and self-selected into different committees, which included Diversity in the Outdoors, Environmental Dashboard Education, and Events and Outreach. She noted that there is room for more Youth Council participants. Anyone interested in joining the efforts of the Council could apply to the Youth Council on the CWC website.

Ms. Nielsen shared additional information about the Short-Term Projects grant program. The grants are administered each year. Mayor Weichers sat on the Short-Term Projects Committee. In 2023, several short-term projects were funded. One example was supporting a backcountry ski shuttle that picked up people for free on Saturdays in Cottonwood Heights and took them to the Cottonwood Canyons at various backcountry ski sites. That had been funded to remove vehicles from the road and incentivize public transit. She noted that the program was led by the Wasatch Backcountry Alliance. She clarified that the Short-Term Projects are not CWC-led projects but are projects that are submitted and could be funded through the program. In addition to funding projects that need monetary support, the Short-Term Projects grant program facilitates community partnerships between the CWC and community organizations.

Some CWC-led transit and transportation projects were reviewed. Ms. Nielsen explained that the four main focuses of the CWC are environment, economy, recreation, and transportation. The CWC focused on a number of transportation and transit projects over the last year. One example was the Big Cottonwood Canyon Mobility Action Plan (“BCC MAP”). She noted that Cottonwood Heights is a funding member of the BCC MAP. It was released earlier in the year and it made many recommendations for infrastructure and transit in Big Cottonwood Canyon:

- Implementation of a supplementary shuttle in Big Cottonwood Canyon;
- Enhanced bus service with a dedicated transit lane with resort mobility hubs;
- Tolling, restrictions to canyon on-road parking, and incentivizing bus options; and
- Year-round bus service featuring canyon trailhead stops.

In addition to the BCC MAP, the CWC led out on a Ski Bus Bypass Program. The CWC collaborated with Sandy City and UTA since 2021 to provide an escort for the UTA ski bus, starting from the UTA Park n Ride lot on 9400 South to the base of Little Cottonwood Canyon. Over the years, nearly \$75,000 was dedicated to that project. It had been very successful as travel times had been reduced by upwards of 30%. That service was catalyzed whenever there was the need for a canyon closure of Little Cottonwood Canyon. For instance, whenever the Utah Department of Transportation (“UDOT”) did road maintenance in Little Cottonwood Canyon, that would necessitate a canyon closure. The Ski Bus Bypass Program would run in that case.

Council Member Birrell asked about Route 953, which brought anyone coming from the north into Little Cottonwood Canyon. There had been a lot of frustration that the route had been discontinued again this season. She wondered if there were any suggestions to further alleviate the congestion and other issues that were seen on snow mornings and weekends. Ms. Nielsen thought it was necessary to find creative ways to incentivize public transit. She could not speak for UTA but the CWC was

interested in finding ways to creatively incentivize people to use the services that currently exist. There were also opportunities for Cottonwood Heights and other jurisdictions to fund micro-transit programs in partnership with the CWC or other community groups.

Ms. Nielsen reported that for the second consecutive year, the CWC helped fund a shuttle program for the Bonanza Flat Transit to Trails Shuttle Program. It is a shuttle service from Park City to some of the most used trailheads in the Wasatch Back. The shuttle program provides a direct public transit option from the Park City Old Town area to the trailheads along SR-224 and Guardsman Pass Road including Mid-Mountain, Bonanza Flat, and Bloods Lake Trailhead.

Information about the Environmental Dashboard was shared. Ms. Nielsen encouraged those present to visit the CWC website to look at the Environmental Dashboard. The Environmental Dashboard is an open-access tool that amassed all of the environmental data that had been collected for decades. It took all of that data and put it into one place where it was accessible and easy to understand. The Environmental Dashboard was made for everyone to use. The reason it was included in the CWC update was that a human element had been added in 2023. It was a component that had been requested from the beginning of the process. The data originated from the Visitor Use Study that the CWC funded. She reported that the Visitor Use Study was completed by a team at Utah State University and released to the public last month.

The Youth Council created a committee dedicated to the Environmental Dashboard. Ms. Nielsen believed the Council Members want to discuss the creation of a standard curriculum that they can present to different places, such as the Canyons School District. It might be possible for teachers to incorporate the information into their learning plans. Ms. Nielsen offered to answer any Council Member questions about the work of the CWC. Mayor Weichers reported that Ms. Nielsen was promoted to the Executive Director position in July and Samatha Kilpack was brought on as the Director of Operations shortly thereafter. Ms. Nielsen discussed the staff changes that have occurred within the CWC. Her former colleague, Blake Perez, left the CWC, and the organization was restructured to have an Executive Director and Director of Operations. Mayor Weichers thanked Ms. Nielsen for sharing updates about the CWC work that had been done.

**4.0 UTAH HEALTHY COMMUNITY – Ms. Whitney Rosas and Ms. Julia Glade from the Salt Lake County Health Department.**

Whitney Rosas and Julia Glade were present from the Salt Lake County Health Department. Mayor Weichers reported that information would be shared about Utah Healthy Community. He informed the Council that he serves on the Board of the Salt Lake County Health Department. Ms. Glade identified herself as the Healthy Communities Coordinator. Ms. Rosas serves as the Substance Use Disorder Prevention Health Educator. There are a lot of opportunities to create positive change within the community.

Ms. Glade stated that the intention is to share information about the advantages of community coalitions and the work done by the Salt Lake County Health Department. At the Salt Lake County Health Department, a community coalition is defined as, “an alliance of residents and organizations representing a variety of sectors that agree to collaborate to improve the health, wellness, and safety

of their community.” Prevention efforts are most successful when the entire community is mobilized and organized. There are different types of coalition frameworks including the following:

- Strategic Prevention Framework (SAMSHA) – Evidence-based, process-focused, substance use disorder prevention framework;
- Communities That Care (Social Development Research Group) – Evidence-based, focused on risk and protective factors, and substance use disorder prevention framework;
- CADCA (CDC) – Evidence-based, focused on root causes, environmental strategies, substance use disorder prevention, and drug-free communities;
- Coalitions Lite (SLCoHD) – Research-based, risk and protective factors, assessment and strategic planning, and public health prevention.

Ms. Rosas explained that it is important to focus on an evidence-based framework because the approach must be backed by science. The Strategic Prevention Framework is similar to the Communities That Care model in that there are five phases and it can be used generally for any issues that arise in a community. On the other hand, the Communities That Care model was based more on substance use prevention. It is an evidence-based framework that provides a roadmap for coalitions to follow and achieve desired outcomes. It gives communities the tools needed to address adolescent health and behavior problems through a focus on identified risks and protective factors that are specific to the community. It also helps communities implement tested and effective prevention programs that address widespread risk factors for adolescent problem behaviors. It was organized into five phases and each phase contains milestones and benchmarks that are designed to help guide the process.

Coalitions Lite is similar to Communities That Care but is more like an abbreviated version. With Communities That Care, it could take up to two years to go through the process with a full-time coordinator. Coalitions Lite was designed to be a four to eight-month process. Ms. Rosas reported that Coalitions Lite is in the pilot phase currently with Bluffdale and Millcreek. She noted that it had taken longer than projected to move through those phases. Ms. Rosas shared information about Drug-Free Communities. It focuses on the seven environmental strategies for affecting community change including providing information, enhancing skills, providing support, enhancing access, reducing barriers, changing consequences, changing physical design, making environmental changes, and modifying, changing, and/or developing policies. She reiterated that there are several evidence-based frameworks.

Ms. Glade stated that in terms of the creation of a coalition, it is best to have representation from all 12 sectors. Each of the sectors of a community coalition will have a voice in developing strategies and communicating what will work in the community. An organization the Salt Lake County Health Department partners with is Get Healthy Utah. It is a non-profit organization that works Statewide. The Salt Lake County Health Department not only assists with coalition work but if a community wants to receive the Get Health Utah designation, assistance is provided for that process as well.

Ms. Rosas stated that there was a desire to use local data. If the efforts were based on local data, the community would achieve better outcomes. One excellent data source was the Student Health and Risk Prevention (“SHARP”) Survey. It has been conducted every odd year for the last 20 years for students in 6<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> grades. The survey includes questions about substance use, safe and



healthy relationships, connection to family, school, and community, as well as physical, social, and mental health. It also asks about risky or harmful behaviors. After looking at the local data, the coalition could select priorities that resonate in the community. There are other data sources the County uses such as the Utah Healthy Places Index, Healthy Salt Lake, and Get Healthy Utah. She reiterated the importance of using local data. Ms. Rosas discussed the Community Health role in coalitions. That role included the following:

- Networking;
- Funding; and
- Technical Assistance:
  - Help coalitions select a framework;
  - Provide data access and data analysis;
  - Offer and connect coalitions to trainings and conferences;
  - Connect coalitions to resources and partners;
  - Encourage coalition best practices (equity/inclusion, diversification of strategies, meeting management, strategic planning, etc.);
  - Provide general coaching and troubleshooting (retention, equity, funding, data, strategy, communication, leadership, etc.).

The Community Health Division supports 14 coalitions throughout the County. The MyKearns Community Coalition follows the Communities That Care model. Alternatively, Healthy Millcreek and Healthy Bluffdale are participating in the Coalition's Lite pilot program. Murray had a Communities That Care Coalition prior to the COVID-19 pandemic, but disbanded. There was a desire to work on reestablishing that. Ms. Rosas reviewed other coalitions in the County. She noted that there are several benefits to a coalition. In terms of savings, for every dollar invested in the Communities That Care system, there is a return on investment of \$11.14 in societal savings. With community organization and mobilization, a coalition boosted stakeholder investment and buy-in enhancing the legitimacy of existing wellness groups, providing resource connections, and amplifying community voices. There are also long-term impacts such as:

- Heightened effectiveness;
- Local data-driven pieces tailored to individual community needs;
- Addresses root causes and contributors; and
- Impact on behavior change.

Ms. Rosas reported that in Communities That Care communities, youth were 49% less likely to initiate gateway drug use. There was a 25% reduction in delinquent behavior. Youth were 18% less likely to initiate antisocial behavior and there was an 11% lower lifetime incidence of violence. Mayor Weichers noted that Cottonwood Heights funded DARE. He was not sure how that played into the Salt Lake County Health Department model. It was an important part of what the City did. Ms. Rosas explained that DARE is part of prevention programming but is not evidence-based. That being said, it still works and is a positive prevention effort.

Council Member Holton felt strongly that residents need to feel that they belong somewhere. A lot of behaviors could be avoided if people feel connected and appreciated. Mayor Weichers asked if the purpose of the presentation was to encourage Cottonwood Heights to become a Communities That

Care City. Ms. Glade stated that Get Healthy Utah connects them to Cottonwood Heights as there has been interest in learning more about coalition options. The Salt Lake County Health Department was a resource. If this is something Cottonwood Heights wants to pursue, some level of assistance could be provided to the City.

Council Member Birrell asked about the expenses associated with a coalition and if other cities utilize volunteers to reduce the financial burden on the city. Ms. Glade reported that every city is different. Some use staff while others utilize volunteers. Council Member Birrell was interested in the idea of preventative work. She asked Chief Russo to comment on the program. Chief Russo believed in the approach discussed because prevention has proven to be effective. He pointed out that a holistic approach needs to be taken. Ms. Rosas discussed the latest SHARP Survey data and stressed the importance of early prevention. Council Member Birrell asked what the next step would be if the City Council wanted to move forward. Ms. Glade stated that the City could reach out and a follow-up meeting could be scheduled.

## **5.0 STAFF REPORTS**

### **a. Form-Based Code – Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson, reported that Mark Morris from VODA Landscape + Planning has been working with Mr. Johnson. The draft Code is a highly technical document that has been reviewed by the Planning Commission. After the City Council Meeting, a City webpage will be created with all of the draft materials. From there, the actual public input process will begin. Mr. Johnson reported that the goal is to have a public open house in February. There will also be meetings that impact businesses and property owners in the Form-Based Code area. During the Work Session, information will be shared about what has been done so far in the process and discussed with the Planning Commission over the last few meetings.

Mr. Morris reported that there is a Form-Based Code Frequently Asked Questions (“FAQ”) sheet that outlines what Form-Based Code is and why it is something the City is considering. A Form-Based Code allows for a variety of uses. It focuses on the new building location on a property so that it is more about where the building is located on a site. Form-Based Code also focuses on building form and main entrances facing the street. It will allow there to be more options of use for property owners who want to develop. He noted that existing uses and businesses will be unchanged. The Code will be implemented incrementally over time as property owners want to redevelop. Areas that the Code will be applied to were Union Park, Highland Drive, and 2300 East Areas. Form-Based Code is typically only applied to areas of change. None of the single-family neighborhoods in the City will be impacted as it is essentially commercial redevelopment that is being planned for.

There was discussion about the legend on the map shown and what each of the colors represents. Mr. Morris reported that everything in the form district Fort Union Boulevard, shown in orange, would have the same requirements, height limitations, and district application. The green areas, the Residential Transition, for the most part, acted as a buffer to the surrounding neighborhoods. In the Town Center area, there was the town center itself contemplated. All of the parcels around it would contribute to the walkable character that was desired but would be regulated in a context-sensitive

manner. He reported that some of the technicalities were being reviewed at the Planning Commission level. The intention was to establish context for the nodes. Additional discussions were had about some of the areas shown on the map as well as the desire for more walkability.

One frequently asked question had to do with why the City was contemplating a Form-Based Code. Mr. Morris explained that the intention was to create a code that supported the community goals that had been established, especially during the latest General Plan update. There was a desire to have more walkable nodes that focus on the needs of Cottonwood Heights residents. Another question pertained to cities in Utah that currently use Form-Based Code. A list was included in the FAQ document that outlined nearby cities that had Form-Based Code. It is something cities are turning to to implement community goals.

Mayor Weichers asked about the map legend shown previously. He wanted to understand the difference between the Union Park Center, Town Center, Fort Union Boulevard, and Residential Transition. Mr. Morris explained that the biggest difference had to do with the height limitations. The height limitations in the Residential Transition zone are focused on more residential types of development. For instance, townhomes that are no taller than 30 feet. With most of the Form-Based Code parameters, there is a range with a minimum and maximum. The intention was to establish that there are certain areas where development needs to be concentrated to create the desired walkability. There are certain places where a low height maximum would provide a better buffer with the surrounding neighborhoods.

Mr. Morris discussed how the boundaries were determined for the Form-Based Code. He explained that time had been spent with Staff to determine the places that would be the best for a first introduction to Form-Based Code. Typically, cities will expand once there is some familiarity. It is not typical for a single-family neighborhood that has already been built to adopt a Form-Based Code. It is more commonly used for new development opportunities or the redevelopment of existing mixed-use neighborhoods. Council Member Birrell referenced the idea of small commercial nodes to create walkability. She asked if Form-Based Code would be used to reach those goals in R-1 areas. Mr. Morris clarified his statement that single-family neighborhoods do not typically adopt Form-Based Code. It was in reference to residential development that had already been built where the odds of change happening were very low.

Mr. Morris stated that a few items were developed to make the process more understandable and user-friendly. There is a prototype where a specific parcel in each area was chosen to address common questions such as where the building could be placed on the parcel. Those types of questions were answered visually in the prototype document. Mr. Morris discussed the worksheet and explained that it was intended to review each of the parameters and make it simple for an applicant to understand what the City would be looking at during the review. Work was done with Millcreek City, who had a Form-Based Code in their Town Center area for a few years. Millcreek had a similar approach with their worksheet, which they felt made a difference in the ease of that process, as it made it clear to everyone what the process looked like.

Mr. Morris reported that with Form-Based Code, there is a desire to incentivize adherence. A certain percentage of properties would be subject to administrative approval. This would essentially be a fast track to approval if all of the Form-Based Code requirements were adhered to. In the current draft,

that was applied to approximately 12% of the total area. Those parcels would qualify if they are under one acre in size, the structure is below 20,000 square feet, and located in any zone other than Residential Transition. Those parcels could potentially qualify for administrative approval if all of the requirements are met. There were discussions with the Planning Commission to ensure that the percentage was appropriate.

The public would be involved in anything that comes before the Planning Commission or City Council in the future. Mr. Morris noted that other areas of the City could adopt a similar Form-Based Code at some point. When that happens, there will be a similar process of calibration to understand the context. Building height would always be a concern. Each of the form districts has a maximum and minimum height for development. That height was regulated in a few different ways including the overall number of stories and the minimum/maximum floor heights. In the current draft, that information was shared for each of the different form districts.

Mayor Weichers spent a lot of time learning about Form-Based Code. He thought that Form-Based Code makes a lot of sense in Cottonwood Heights, especially if neighborhoods are protected. He thought it was an appropriate time to move this work forward. Council Member Bracken asked if these would be zone changes. Mr. Johnson explained that the goal was to meet with property owners in the impacted areas. If there was support, a legislative rezoning could be considered as part of the code adoption process. The idea was to do some focused public engagement with the impacted properties, share information, and see if there is interest. Council Member Birrell was pleased that the Form-Based Code was moving forward. She believed this would protect the existing residents and the existing neighborhoods. PUDs were discussed.

Mayor Weichers asked about the next steps for the Form-Based Code. Mr. Johnson explained that there would be additional discussions with the Planning Commission on the technical draft. There would be a public hearing held and a City-wide public input opportunity, which would educate residents and allow feedback to be received on the draft. Additionally, there would be direct input from the impacted property owners. Once the Planning Commission reviewed the draft, held a public hearing, and made a recommendation, the matter would come back to the City Council.

**b. Denmark Drive Property Surplus – Community and Economic Development  
Director, Mike Johnson.**

Mr. Johnson reported that the 2912 East Denmark Drive property surplus was discussed in July. The appraisal was recently received. When the intersection was constructed there was a leftover unusable parcel. That parcel was deeded to the City as part of the platting process. It did not serve a purpose and was not used for drainage or water retention. An adjacent property owner approached the City about the parcel as there was a desire to add it to their land. It was not needed as a City parcel, so an appraisal was done through a contracted appraiser. It came back in November and the appraised value for the 3,000-square-foot triangle was \$30,000. If the Council was still supportive of pursuing the surplus, the Finance Director would prepare a memo for the Council. It would be voted on at an upcoming City Council Meeting and the property would be declared surplus. Once that is done, the disposal process will begin. The interested neighbor had not been made aware of the appraised value yet, because there was a desire to share the information with Council.

Mayor Weichers asked that the interested property owner be approached with the appraised value. He did not want to waste Staff time if the property owner was not interested in the purchase. Council Member Birrell suggested that if the monies come into the City, the City Council consider what people in the nearby area might benefit from. Cottonwood Heights is a relatively new City and inherited good things as well as challenges. Danish Oaks is one of the new residential streets that comes out onto Creek Road. 61 residents there signed a petition stating that there is a desire to increase safety for people coming out of the neighborhood and across Creek Road. She reiterated her desire that the Council consider the needs of the nearby area. Council Member Bracken believed the monies need to go into the General Fund. What was described is something that could be discussed during the budget process.

- c. **Restrictions on Parking Recreational Vehicles on Streets – City Manager, Tim Tingey.**

Mayor Weichers reported that the item would be moved to the next meeting due to time constraints.

#### **6.0 REVIEW OF CALENDARS AND UPCOMING EVENTS.**

- a. **City Hall will be Closed for Christmas Day on December 25, 2023, and New Year's Day on January 1, 2024.**

The calendar items were reviewed and discussed.

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

**MOTION:** Council Member Holton moved to ADJOURN the Work Session and go into a Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual. Council Member Newell seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council was in Closed session from 6:13 p.m. to 6:50 p.m.

#### **8.0 ADJOURN CITY COUNCIL WORK SESSION.**

The Work Session adjourned at 6:50 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS BOARD OF CANVASSERS HELD TUESDAY, DECEMBER 5, 2023, AT 6:45 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Mayor Mike Weichers, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Matt Holton, Council Member Ellen Birrell

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

**1.0 Call to Order.**

Mayor Mike Weichers called the Board of Canvassers Meeting to order at approximately 6:53 p.m.

**2.0 Report Election Results.**

Mayor Weichers read Declaration No. 2023-02 - A Declaration of the Cottonwood Heights Board of Canvassers Approving the Canvass of the 2023 Cottonwood Heights Municipal Election. He reported that on November 21, 2023, the City of Cottonwood Heights held a Municipal General Election. The Mayor and municipal legislative body comprises the City's Board of Municipal Canvassers for the election. The Board is required to meet to canvass the returns of the election no sooner than seven days and no later than 14 days after the election. The Board determined that the election and voting were conducted in compliance with Utah State Law. Mayor Weichers shared information about the candidates and votes. In Council District 1, Matt Holton received 1,175 votes and Jen Cottam received 904 votes. In Council District 2, Sharon Daurelle received 897 votes and Suzanne Hyland received 964 votes. As a result, Matt Holton (District 1) and Suzanne Hyland (District 2) were elected as members of the Council for four-year terms.

Council Member Bracken shared comments about voter participation. He noted that on the last page of the 2023 General Election Data report, there were a few items of note. The turnout for the election was 39.3%. In 2011 for the 012 term, Cottonwood Heights helped pioneer the vote-by-mail process in Salt Lake County. Since then, Cottonwood Heights has consistently been in the high 30% to 40% turnout. Prior to that, municipal elections will see voter numbers in the teens. It was wonderful that the vote-by-mail system allows residents to be more involved.

**3.0 Consideration of Declaration 2023-02 - Certifying the 2023 Municipal General Election Results.**

**MOTION:** Council Member Bracken moved to APPROVE Declaration 2023-02 – Certifying the 2023 Municipal General Election Results. Council Member Newell seconded the motion. Vote on Motion: Council Member Holton-Aye; Council Member Bracken-Aye; Council Member Newell-

Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

Mayor Weichers presented certificates to the elected Council Members. A photograph was taken.

#### **4.0 ADJOURN**

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

The Work Session adjourned at 7:02 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, DECEMBER 5, 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 Jurges; IT Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

**1.0 WELCOME – Mayor Mike Weichers.**

Mayor Mike Weichers called the meeting to order at 7:04 p.m. and welcomed those present.

**2.0 PLEDGE OF ALLEGIANCE**

The Pledge was led by Council Member Scott Bracken.

**3.0 ACKNOWLEDGMENTS**

**3.1 Acceptance of Financial Statements – Administrative and Financial Services Director, Scott Jurges.**

Mayor Weichers reported that prior to each calendar year, the City officially accepts an audited update of the budget year financial statements. Administrative and Financial Services Director, Scott Jurges, reported that Russell Olson from Larsen and Company was present to present the audit information. Mr. Olson reviewed the Audit Report and stated that he was asked to share an overview of the report. Page 9 of the document was where the opinion on the financial statements was communicated. Some details were provided about how the opinion was determined, the responsibility of auditors, and the responsibility of management. The opinion was that the financial statements were materially correct, which was a clean opinion.

Mr. Olson reviewed the supplemental reports and explained that three reports were issued in conjunction with the financial statements. The first supplemental report was the Government Auditing Standards Report. An opinion was not issued in that letter but it stated that when a governmental audit is conducted, internal controls and compliance are looked into. The next report was referred to as the Single Audit Report. It is a report on compliance with the Federal grants that were received during the fiscal year. In that report, an opinion was issued. The opinion in that report was that the City complied in all material respects with the requirements of the grants that were received. Following that report, there was the Schedule of Expenditures of Federal Awards. That was where the actual Federal grant money that was spent was listed out.



The next report was the State Compliance Report. Mr. Olson reported that with cities in Utah, auditors are required to look at specific items. That had been done to determine if Cottonwood Heights is materially compliant. It was found that Cottonwood Heights is materially compliant with the requirements, with one immaterial instance. Mr. Olson referenced Page 14 of the document. Several years ago, the State began to require that each city or municipality fill out a Fraud Risk Assessment. Part of the requirement was that the Fraud Risk Assessment be uploaded to the transparency website and presented in a public meeting. It was found on the transparency website but had not been presented in a public meeting. City Manager, Tim Tingey, reported that based on the input, the Fraud Risk Assessment would be reviewed during the budget year. Mr. Olson noted that the oversight could be addressed in the future.

Mr. Olson reviewed a letter to the Mayor and City Council. If some significant issues or problems needed to be communicated, it would be done in the letter. There were no issues to be communicated, so the body of the letter included language regarding the audit process. Council Member Bracken referenced the section about Disagreements with Management. He was glad there were no disagreements because it meant that the Department Heads and members of the City Staff were cooperative. Mayor Weichers appreciated the work done by Mr. Olson and that he had taken the time to present the information to the Council and the public. Mr. Jurges thanked Larsen and Company and Mr. Olson for all of their review work and dedication.

Mr. Jurges referenced Page 33 of the report that was distributed to the Council, which was the Statement of Revenues, Expenditures, and Changes in Fund Balance. He noted that it was a useful document. All of the funds were shown in one area. It was possible to see the revenues that came in and the expenditures that went out. There was a separation of the five different funds. He pointed out that the bulk of the revenues came into the General Fund. Below, there were other financing sources listed, that related to bond revenues. There was information about the transfers in and out of different funds as well. At the very bottom of the document, there was information about the Fund Balance at the beginning of the year and the end of the year.

Mr. Jurges discussed the Refunding Bond. There was \$13,199,000 in the Debt Service Fund. That was there until July 2024 when it was possible to pay off the 2014 and 2016 bonds once the call dates become available. The overall debt would reduce by that amount when that occurs. He informed the Council that this specific report was likely the most informative to the Council. Mayor Weichers explained that the State does not allow a General Fund to sit higher than 35% and the City was at 34%. That means Cottonwood Heights had a fairly healthy balance. That amount was scheduled to be reduced somewhat next year, but the minimum amount required was 6%.

#### **4.0 CITIZEN COMMENTS**

There were no citizen comments.

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Ordinance 406 - Adopting an Annual Meeting Schedule for 2024.**

Mayor Weichers reported that the above ordinance was discussed during the Work Session.

**MOTION:** Council Member Newell moved to APPROVE Ordinance 406 – Adopting an Annual Meeting Schedule for 2024. Council Member Birrell seconded the motion. Vote on Motion: Council Member Bracken-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed unanimously.

### **5.2 Consideration of Resolution 2023-59 - Approving Disposal of Unclaimed Property or Former Evidence.**

Mayor Weichers reported that the above resolution was discussed during the Work Session.

**MOTION:** Council Member Holton moved to APPROVE Resolution 2023-59 – Approving Disposal of Unclaimed Property or Former Evidence. Council Member Bracken seconded the motion. Vote on Motion: Council Member Bracken-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed unanimously.

### **5.3 Consideration of Resolution 2023-60 - Declaring Certain Property Surplus.**

Mayor Weichers reported that the above resolution was discussed during the Work Session.

**MOTION:** Council Member Holton moved to APPROVE Resolution 2023-60 – Declaring Certain Property Surplus. Council Member Birrell seconded the motion. Vote on Motion: Council Member Bracken-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed unanimously.

### **5.4 Consideration of Resolution 2023-61 - Approving Entry into a Grant Agreement with the Utah Division of Arts and Museums for FY 2023-2024.**

Mayor Weichers reported that the above resolution was discussed during the Work Session.

**MOTION:** Council Member Birrell moved to APPROVE Resolution 2023-61 – Approving Entry into a Grant Agreement with the Utah Division of Arts and Museums for FY 2023-2024. Council Member Holton seconded the motion. Vote on Motion: Council Member Bracken-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed unanimously.

**5.5 Consideration of Resolution 2023-62 - Approving an Appointment to the Arts Council.**

Mr. Tingey shared information about the proposed appointment to the Arts Council. He reported that Sirima Atikul was interviewed for the Arts Council position. She has an impressive background and was excited to serve the community. Ms. Atikul would add a lot of value to the Arts Council, especially on the marketing side of things. Staff recommended approval of the appointment.

**MOTION:** Council Member Bracken moved to APPROVE Resolution 2023-62 – Approving an Appointment to the Arts Council. Council Member Newell seconded the motion. Vote on Motion: Council Member Bracken-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

**5.6 Consideration of Resolution 2023-63 - Approving Entry into an Agreement with Salt Lake County for Tier II ZAP Funding.**

Mayor Weichers reported that the above resolution was discussed during the Work Session.

**MOTION:** Council Member Newell moved to APPROVE Resolution 2023-63 – Approving Entry into an Agreement with Salt Lake County for Tier II ZAP Funding. Council Member Holton seconded the motion. Vote on Motion: Council Member Bracken-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed unanimously.

**5.7 Consideration of Resolution 2023-64 - Approving an Amendment to the City Manager’s Employment Agreement.**

Mayor Weichers reported that the above resolution was discussed during the Work Session. Council Member Bracken noted that a few changes were proposed. It was confirmed that those had been addressed. Council Member Bracken believed those changes would ensure that the Council has more direct input about the City Manager Employment Agreement in the future. Council Member Holton expressed appreciation for the work done by Mr. Tingey in the past. He looked forward to his continued work to benefit Cottonwood Heights. Council Member Bracken appreciated Mr. Tingey’s professionalism and knowledge.

**MOTION:** Council Member Bracken moved to APPROVE Resolution 2023-64 – Approving an Amendment to the City Manager’s Employment Agreement. Council Member Holton seconded the motion. Vote on Motion: Council Member Bracken-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed unanimously.

**6.0 CONSENT CALENDAR**

**6.1 Approval of the City Council Work Session and Business Meeting Minutes of November 7 and 21, 2023.**

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

**7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The City Council Meeting adjourned at 7:30 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, December 5, 2023.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: January 2, 2024