

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, FEBRUARY 6, 2024, 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 Suzanne Hyland, Council Member Matt Holton, Council Member Ellen Birrell

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

**Excused:** Council Member Shawn E. Newell

**1.0 WELCOME – Mayor Mike Weichers.**

Mayor Mike Weichers called the meeting to order at 4:03 PM and welcomed those present.

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

The Business Meeting Agenda was reviewed.

Mayor Weichers reported that there were four Legislative Action Items for consideration. The first was consideration of Ordinance 408 Adopting an Amended Budget for fiscal year 2023-2024. A public hearing was held at the previous Business Meeting and has been discussed in detail.

The second Action Item was consideration of Ordinance 409 Amending Code Section 11.20.050 concerning prohibited parking of vehicles. City Manager, Tim Tingey stated areas in question were depicted on the Staff report area map. The following were four main items included in the amendment of the Code:

- No person shall stop, stand, or park within 20 feet of an intersection.
- No person shall stop, stand, or park within five feet of a public or private mailbox.
- Outside designated parking stalls are clearly marked on public property, provided, however, that such limitation shall not apply to unmarked parking areas otherwise legally existing along public roadways.
- The fine for violation of this section to be provided to the courts for imposition on violators shall be \$100.

Mayor Weichers requested that Staff include the Ordinance in the next City newsletter and social media accounts in an effort to educate residents as much as possible.

The next agenda item was consideration of Resolution 2024-08 Ratifying the election of a Mayor Pro Tempore. Mayor Weichers stated a vote will be taken from Council Members on their Mayor Pro Tempore selection. He clarified the Mayor Pro Tempore may act in the capacity of the Mayor when absent and is a two-year term position.

The last item was consideration of Resolution 2024-09 Approving a Bank Account. Financial Services Director, Scott Juges, reported with the acquisition of the Hillside Plaza and the hiring of a property manager to run the day-to-day operations, an account with City visibility as well as that of the property manager was needed. A municipality account within the State of Utah requires the approval from the City Council. The authorization in the form of a letter must be presented to Zions Bank stating approval from the legislative body.

Mayor Weichers stated the Consent Calendar will be presented for approval for the City Council Work Session and Business Meeting Minutes of January 16, 2024. A youth group will be in attendance during the Business Meeting and he will be providing more detail than usual for their benefit.

### **3.0 STAFF REPORTS**

**a. Tavaci Proposed Annexation Discussion – Mayor Weichers and City Manager, Tim Tingey.**

City Manager, Tim Tingey presented the Tavaci Proposed Annexation discussion and stated that it is on the agenda for a public hearing. No decision will be made. Staff received questions regarding the cost of the annexation primarily as it has been evaluated. It was noted that costs for City services will be minimal if the decision is made to annex the property. The Unified Fire Authority (“UFA”) verified that their service level in the area has only included six calls since 2021. Mr. Tingey commented that it is unlikely that the City will incur an increase in fees with UFA. In terms of proximity to the property, the Cottonwood Heights Police Department (“CHPD”) has confirmed that there will not be a need for additional officers and costs would be minimal. From a Public Works perspective, the infrastructure is built with most being private up to the subdivision, including the road. The City would not be required to maintain any streets within the development and Public Works costs would be minimal. He stated that there are still approximately 20 Building Permits that will need to be issued on the site. Per the contract, the review occurs based on the permit with a percentage of the fee going to the City.

Community and Development Director, Michael Johnson, presented the Staff Report and stated that the original entitlement took place prior to Cottonwood Heights incorporation. Building Permits were issued under Salt Lake County either prior to incorporation or after disconnection from the City. The City has communicated that Ordinances may be slightly different than that of Salt Lake County largely due to the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance. The annexation also includes the 50-acre parcel directly north of the Tavaci Subdivision that is owned by the same owner as the large gravel pit. A property rendering was displayed. He explained that the primary benefit of a potential annexation of the 43 single-family lots into the City would be from a property tax revenue standpoint, and ease of providing more responsive public safety services to the area, particularly police services.

Mr. Johnson also stated that it is believed that the Tavaci development is interested in providing secondary ingress/egress through future development on the adjacent gravel pit site. He was of the understanding there is currently a petition to amend the Plat to remove the road. According to discussions with the County Staff, the secondary egress is not viable based on how the gravel pit was graded. It was anticipated that the parcel would be turned into another lot. Mr. Tingey reported existing homes are developed and sprinkled to alleviate the need for secondary access. Egress standards are derived from the Fire Code and he reported UFA standards are no different. The Plat Amendment process is pending review from Salt Lake City Public Utilities for water but has received approval from UFA.

Council Member Birrell reported that after reviewing the Tavaci Big Cottonwood Canyon Homeowners Association (“HOA”), they found that they have had their license to operate as a non-profit corporation dissolved permanently in 2023 after failing to file in 2020. She believed this is disconcerting with the inability to keep paperwork regarding the HOA which is how the maintenance of the 15-year-old roadway is perceived. The roadway remains an issue for her to be able to support the annexation. Repairs may be enormously expensive and a risk already experienced in the City with an entity that fails to pay taxes on the roadway over a seven-year period by default becoming the ownership of the City. Mayor Weichers reported that this would be different in that the HOA currently collects money to maintain the road. Council Member Birrell asked if the HOA has been dissolved and is not recognized by the Department of Commerce. She suggested they volunteer to confirm that they are financially robust.

Council Member Holton asked what can be done to alleviate the concerns. Council Member Birrell reported that she spoke to City Attorney, Shane Topham, who confirmed that this is a Policy issue. If Tavaci is annexed into the City and as a body, they will not maintain the roadway and the City would be making a policy decision. She believed there was no ironclad way to protect the City financially. Mr. Tingey added that with the development of private roads, residents may petition the City at any time. If the HOA were to default on paying their taxes and the property goes to tax sale, the sale would be administered and taken over by Salt Lake County. The City would be required to make a determination as to whether to accept the transfer as part of the City as well. His understanding was that during a tax sale, the County typically deeds the property over to the City, which would then be required to accept or deny the action.

Council Member Birrell stated that the Tavaci residents are more than welcome to participate in City events and contribute. She was looking out for the thousands that could possibly end up with the burden of a unique roadway. Dozens of constituents have been following this development and have expressed opposition to the Tavaci annexation. She confirmed that the opposition comes with potential financial liability.

Council Member Hyland asked if the County is better equipped to take care of that area than Cottonwood Heights in the event of a natural disaster. Police Chief, Robby Russo reported that neither would gain access, especially without a secondary egress. He explained that the UFA entered into an Interlocal Agreement that requires them to send the closest available unit. Police calls are different as the area is unincorporated and is the responsibility of the Sheriff’s Department. Mayor Weichers added that the reason behind the original formation of the CHPD was due to the Unified Police Department (“UPD”) taking 50 minutes to respond to an armed

robbery call. In addition, even if there is a fire call, the two departments work together. He suggested the possibility of working something out with the Sheriff's Department where the CHPD would provide service.

Mayor Weichers stated that the State Legislature is considering a Bill that looks at unincorporated areas surrounding cities that will require annexation. Adjacent unincorporated areas were described.

Staff identified a number of potential issues the City Council should be aware of including the following:

- Potential Development Code non-conformities and sensitive lands issues. The lots have all been reviewed, permitted, and inspected under Salt Lake County Ordinances. There is concern that the City's Sensitive Lands Evaluation and Development Standards ("SLEDS") Ordinance may contain stricter development provisions regarding additional new development, property renovations, remodels, additions, etc.
- Access Road Concerns. The access road to the Tavaci development is very steep. While it is currently privately owned and the petitioners have stated that there is no intention for the roadway to become public, there have been concerns expressed that a request would be made for the road system to become public.
- Emergency Services. Until such time as a secondary ingress/egress is provided to the development, all lots rely on a single access point for service. Accessibility should be looked at in more detail by the Police and Fire Departments to better understand the concerns of only having one entrance into the subdivision.
- Tax Projections. Staff conducted an estimated project of tax revenue at full buildout of the 43 single-family lots. When accounting for the residential exemption for the calculation of property taxes, the projected property tax generated based on the average assessed value of existing completed lots, it is estimated that the development will generate roughly \$100,000 to \$150,000 per year in property tax revenue.

Staff confirmed that a public hearing is scheduled for the February 6, 2024, City Council Business Meeting. The request will subsequently be scheduled for formal consideration by the Council at a meeting in the near future.

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

Mayor Weichers reported that the Sports Court Ordinance matter is an update from the Planning Commission. Under the direction of Mr. Johnson, the Commission was asked to work on the Ordinance and returned with a recommendation. He thanked the Planning Commission for their discussion and collaboration in coming to an agreement.

Mr. Johnson reported that in September 2023, the City Council issued a Moratorium on the construction of outdoor sports courts over 500 square feet in size. The Moratorium resulted from concerns raised by residents regarding noise, lighting, and fencing associated with private, residential pickleball courts. The Moratorium prohibits the issuance of permits for sports court structures for up to six months so that an Ordinance may be drafted. As directed by the Council, Staff began working to create an Ordinance that was responsive to the reported concerns and impacts of such sports courts and uses. Over the course of several months, a draft Ordinance was presented, discussed, and refined by the Planning Commission at numerous meetings and multiple public hearings. Staff prepared a draft Ordinance addressing the negative impacts of sound, lighting, and fencing and held several work session discussions with the Planning Commission. Several solutions were recommended specific to pickleball use, including establishing a substantial minimum setback to offset noise impacts, requiring Building Permits for sports courts, and ensuring that lighting and fencing standards are met by all sports court permits. Mr. Johnson reported that after two meetings, the Planning Commission requested additional input from the City Council regarding Ordinance direction, particularly as it relates to setback requirements and regulating pickleball use separately from other court sports. The City Council provided the following general input and recommendations:

- The Ordinance should apply to all outdoor sports courts in or adjacent to residential zones and/or uses.
- The Ordinance should establish a substantial minimum setback for all sports courts if no sound mitigation is proposed.
- The Ordinance should allow a reduction in that setback based on a qualified Noise Study that proposes methods for mitigating the noise impacts (with no minimum point of reduction. More mitigation may result in less setback).
- The Ordinance should require a Building Permit for all sports courts including minimum requirements for fencing and outdoor lighting that is compliant with existing City ordinances.
- The Ordinance should require a signed, recorded Affidavit for the property owner of record to acknowledge their understanding of all sports court standards and noise standards.

Mr. Johnson reported that at the January 17, 2024, Planning Commission Meeting there was a productive discussion recommending substantial changes to the original draft Ordinance presented. At the end of the discussion, the Commission voted unanimously to recommend approval to the City Council. Staff was now working on an updated Ordinance that reflects the changes recommended by the Commission. A summary of those changes was as follows:

- Modify the applicability so that the Ordinance applies to all outdoor non-building structures over 500 square feet. (The ordinance will no longer apply solely to sports courts).
- A Building Permit shall be required for all such structures.
- Require a signed Affidavit at the time of Building Permit issuance to be recorded against the property acknowledging the owner's understanding of local Noise Ordinances that violations of the Noise Ordinances can result in enforcement action.

- Eliminate previously proposed minimum setback requirements. All structures will be required to comply with existing accessory structure setback requirements.
- Eliminate the requirement for a Noise Study. The Commission found that the Affidavit and Code Enforcement are an acceptable combination of reasonable requirements.
- Add a specific provision to the City's Nuisance Ordinance referencing that uses that exceed Salt Lake County noise regulations without proper approval are considered nuisances.

Mr. Johnson reported that the recommendations came after much discussion and listening to numerous public comments concerning sports courts. At the last Planning Commission Meeting there was extensive discussion where compromise and collaboration resulted in the forwarding of a recommendation to the City Council. A fully revised draft and copies of written comments and copies of Planning Commission Meeting minutes will be distributed to the City Council prior to the February 20 City Council Meeting.

Council Member Holton stated that with multiple activities taking place in Cottonwood Heights, he believed the spirit of the Ordinance is to enforce some respectful dialog between neighbors. He understood both sides of the issue and emphasized that residents need to figure out how to be respectful to one another. Enforcement may be difficult and he felt it was appropriate to focus on those with extreme behavior as opposed to families who limit the hours of play. He supported educating residents and providing a warning while making them aware that a fine can potentially be imposed.

Mayor Weichers reported that enforcement will include receiving a noise complaint and eliciting a response from Code Enforcement. Council Member Hyland believed there will be excessive noise due to the pickleball court placement. If an Ordinance is approved, she emphasized there must be a mechanism of enforcement. She asked how a Noise Ordinance is enforced. Mayor Weichers confirmed that a request must be made to Code Enforcement who will physically measure the sound. Excessive play will be easier to capture. Staff agreed to investigate a complaint to determine whether a violation has occurred. A Sound Evaluation will take place and typically, the owner will receive a warning along with a visit from Code Enforcement. If the issue continues, a citation will be issued.

Council Member Hyland appreciated the compromise but felt that they require the will, as a City, to defend the neighbors who are victims of the nuisance. Even with mitigation, reduction has only decreased from 85 dB to 80 dB and remains a nuisance. Council Member Holton appreciated the efforts of the Commission to not single out pickleball. He emphasized the need to define "reasonable behavior".

Council Member Birrell stated that the subject of noise disturbance comes in many forms. Her neighborhood has barking dogs and loud vehicles. She had a constituent comment that decibel readers are being used by cities to allow immediate action be taken to issue citations to vehicles that are outside the decibel level. She agreed with the need to be neighborly and stated that scientifically, noise is harmful to the organs of the body and mind. She appreciated the efforts of the Planning Commission and felt that they were doing their best to address the situation. She

hoped residents understand that the City is striving to do the right thing and come up with an Ordinance that is manageable and enforceable.

Commissioner Hyland felt there was a need to address backyard court rentals. It is happening often and becoming more prevalent. It is a completely different issue than a sports court for personal use. Mr. Tingey explained that this is an illegal business activity that is not approved as a Home Occupation. If a resident has clients coming to the home, by Code, a Conditional Use Permit is required. Renting out a pickleball court would require a Home Occupation Permit as well as a license. Mayor Weichers stated that residents sign an Affidavit and are informed that there are noise issues and methods of enforcement.

Mr. Johnson commented that if the City Council agrees with the proposed modifications, a draft Ordinance will be presented at a public hearing scheduled for February 20, 2024. It was the consensus of the City Council to add the Title 9 Noise Ordinance language.

c. **Fort Union Traffic Study Discussion – Public Works Director/City Engineer, Matt Shipp.**

Public Works Director/City Engineer, Matt Shipp presented the Fort Union Traffic Study and stated that under the direction of the City Council, staff was instructed to complete a Speed Study for Fort Union Boulevard between 1300 East and 3000 East. Staff engaged the engineering firm, Avenue Consultants, to complete the study. Staff instructed Avenue Consultants to study the following sections of Fort Union Boulevard:

- Segment 1: 1300 East to 1700 East;
- Segment 2: 1700 East to Highland Drive;
- Segment 3: Highland Drive to 2300 East;
- Segment 4: 2300 East to 2700 East; and
- Segment 5: 2700 East to 3000 East.

The study was conducted between November 27 and December 1, 2023 (24 hours per day between November 28 and November 30) following the Utah Department of Transportation (“UDOT”) Policy, 06C-25 Establishment of Speed Limits on State Highways, Utah Manual on Uniform Traffic Control Devices (“MUTCD”, and Utah Code Sections 41-6a-601 / 41-6a-602. Speed, volume, and vehicle classification were recorded for each vehicle traversing Fort Union Boulevard that came into contact with the road tubes placed within each segment of Fort Union Boulevard. Approximately 300,000 points of data were gathered to complete the study. The study was attached for the City Council's review. The study concluded that the 85th percentile on Fort Union Boulevard averaged 42.8 MPH. The segments were as follows:

- Segment 1: 42 MPH;
- Segment 2: 43 MPH;
- Segment 3: 39 MPH;
- Segment 4: 45 MPH; and
- Segment 5: 45 MPH.

Mr. Johnson reported that with all studies, there are outliers where speeds exceeded the posted speed limit and the 85th percentile. The study also eliminated any speeds that were less than 30 MPH to get a truer movement speed, which raised the 85th percentile. Based on the Institute of Transportation Engineers (“ITE”) and the American Association of State Highway and Transportation Officials (“AASHTO”) along with UDOT Policy standards, the 85th percentile speed is calculated at or below what 85% of drivers will operate on open roads in favorable conditions. The assumption underlying the 85th percentile speed is that most drivers will operate their vehicles at speeds they perceive to be safe. Speed limits set above or below the 85th percentile speed will create unsafe conditions due to speed differential as some drivers adhere strictly to the law while others drive at the naturally induced speed. The 85th percentile indicates the speed drivers perceive to be safe given the conditions. To slow vehicles, changing the speed limit is not always an ideal strategy without introducing elements of proper traffic calming. Doing this will naturally give the driver more things to focus on thereby reducing speeds.

The study also used contextual road elements such as developments, medians, side treatment, and lighting in evaluating and determining a recommendation. The study does not recommend changing the speed limit as the 85th percentile falls within the acceptable range of 5 MPH above or below the posted speed limit. It does, however, recommend that if looking to slow traffic to a desirable speed limit, there is a need to explore traffic calming measures as an alternative. The City Council may still change the speed limit to what it deems appropriate regardless of changing the road design.

Mr. Shipp reported that the 85th percentile speeds at all locations are within 5 MPH of the posted speed limit. The study showed that no changes to the speed limit are recommended. Further, as the posted speed limit fits within an acceptable range based on the roadway characteristics, no speed management strategies are recommended to realign the character of the roadway with a desired speed. If the character of Fort Union Boulevard is modified to more of a City Center dynamic, a combination of proactive speed management measures may help align the desired speed with the desired character and culture of Fort Union Boulevard. These measures may include improved signage or road design modifications to encourage motorists to travel slower. Additional efforts may include increased enforcement through traffic monitoring and public awareness campaigns highlighting the importance of adhering to speed limits. As a City Council, speeds may be adjusted within the State Code range of 25 and 55 MPH. Mr. Shipp agreed with the recommendation to leave the speed limit as posted.

Crash data was next reviewed. Mr. Johnson reported that the crash data was obtained from the UDOT Traffic and Safety Division. The crash locations along the study corridor are shown in Figure 3 and a summary of the crash data is shown in Table 1. As presented, the crash data indicates that 392 crashes were reported along the corridor from January 1, 2019, through December 20, 2023. Fifteen crashes were speed-related, with none being severe. The 2023 crash data is incomplete and may not be fully validated. Chief Russo noted that winter conditions are considered with the reporting and should a vehicle slide into another, speed is listed as the contributor due to conditions and is classified in the same data. Five of the seven severe accidents that occurred included an impaired driver. Mr. Shipp suggested running a test program in good weather conditions to determine the most effective solution.



Mayor Weicher stated that since the COVID-19 pandemic, Utah is ranked first in the Nation for the rate of increased instances of Driving Under the Influence (“DUI”). Council Member Birrell considered that more reason to slow speeds. She noted that regardless of whether someone is impaired, people suffer less when cars are moving more slowly.

Council Member Holton asked how the City can address impairment issues, regardless of traffic patterns. Chief Russo reported that nearly half of all accidents involve impaired drivers who have no regard for public safety or respect for others. The result is death or serious injury. The CHPD is aggressive in terms of enforcement and getting those drivers off the road. Council Member Birrell emphasized the need to create the reputation that bad behavior in the City will not be tolerated. She believed that slower speeds will help mitigate the issues.

Mr. Johnson reported that from a planning standpoint, the Fort Union Master Plan recommends many of the design implements in an effort to create an identity of a community road. Recommendations for roadway design were also included. Council Member Birrell stated that the Fort Union Master Plan was adopted in 2017 and very little of the complete street recommendations made in the plan have ever been implemented. She preferred the focus be near Mountview Park or Bella Vista Elementary. An accelerated focus and prioritization was suggested. Although she appreciated the proposed High-Intensity Activated Crosswalk (“HAWK”) Signals and suggested that more be considered.

Mr. Shipp confirmed that all concerns will be considered. He agreed to present options at a future meeting. It was noted that test pilots can be run at minimal cost and implemented at the discretion of the City Council.

**d. Parks, Trails, and Open Space (“PTOS”) Committee Neighborhood Byway Discussion – Public Works Director/City Engineer, Matt Shipp and Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the Parks, Trails, and Open Space (“PTOS”) Committee Neighborhood Byway discussion. He met with the PTOS Committee and the Active Transportation Subcommittee to discuss their recommendations for a pilot Byway Program. Members of the PTOS Committee discussed the idea of City byways for pedestrians and bicyclists that will connect parks, churches, and neighborhoods. They recommended Banbury Road from 2700 East Racquet Club Drive. The location was chosen as the pilot because of its connections to parks such as Bywater Park and the future Canyon Center Park, the Cottonwood Recreation Center, and neighborhoods. Staff was in the process of developing standards for signs and markings for the roads to present to the PTOS Committee. The pilot program will be used to demonstrate the effectiveness of a byway system in the City and to develop standards for the byways such as signage, striping, symbols, and crosswalks. The Byway Pilot Program will be funded through the Striping Contract this year. If successful, the PTOS Committee will develop and bring back a recommendation for full implementation to the Staff and City Council for approval and funding. Staff will present additional details at the next Work Session.

Council Member Birrell reported that she attended the Bywater Park presentation where residents expressed concern with children being unable to safely cross the roadway. She felt that consideration should be given to a mid-walk crossing to create a safe path from south to north. Implementation of a crossing would tie in with the Safe Routes to School and make them even more robust. Council Member Holton is an avid cyclist and was in favor of finding paths to get bikes off of Fort Union Boulevard and Highland Drive. He preferred the proposed byways as opposed to creating bike space along the main thoroughfares.

Mr. Shipp reported that this particular project will be incorporated into the Striping Contract at a minimal cost. The idea of using it as a pilot project, signage, and road markings will be developed to inform drivers that they are on a byway. The final cost and details will be presented to the City Council at a future meeting.

Council Member Birrell referred to the BikeWalk Provo Plan and reported that an annual pedestrian count is conducted to identify the number of residents who are using the areas they have worked to make safer. She suggested implementing a similar plan.

e. **Danish Oak Rezone – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the Danish Oak Zoning Map Amendment and stated that it is a request to rezone 0.45 acres of property at 7980 South Danish Oaks Drive. The request is for a rezone from RR-1-21 (Rural Residential Single-Family) to R-1-10 (Residential Single-Family). The property owner has requested the Zoning Map Amendment to consolidate the subject property with two adjacent parcels he owns. Two of the applicant's parcels are zoned R-1-10, while the subject parcel is RR-1-21. Lot consolidation requires unilateral zoning across all parcels being combined, and as such, the applicant applied for the Zoning Map Amendment. A map rendering was displayed.

Mr. Johnson reported that the application was reviewed by the Planning Commission at its January 17, 2024 meeting, at which time the Commission unanimously voted to forward a recommendation of approval to the City Council based on the following findings:

1. A zoning map amendment to R-1-10 would bring the property into conformity with the minimum lot size requirement, whereas the property currently does not comply with this requirement for the underlying RR-1-21 zone.
2. The proposed zoning map amendment is consistent with the Land Use Map's designation of this property as "Low-Density Residential."
3. The proposed zoning map amendment is consistent and compatible with the surrounding neighborhood.
4. The application was made pursuant to 19.90 of the Cottonwood Heights City Code.
5. A public hearing was held in accordance with the focal and state requirements.

Staff requested that the City Council review the Zoning Map Amendment request in anticipation of a public hearing and formal vote at an upcoming City Council Meeting.

**f. Sustainability Priorities – Associate City Planner/Sustainability Analyst, Ian Harris and Community and Economic Development Director, Michael Johnson.**

Associate City Planner/Sustainability Analyst, Ian Harris, presented the sustainability priorities discussion and reported that Staff prepared a recap of current/ongoing sustainability projects as well as a list of recommended sustainability projects for City Council consideration as it determines priorities for 2024. Following an introductory discussion at the February 6, 2024, City Council Meeting, Staff recommended that the City Council consider these recommendations at its 2024 Council Retreat and provide staff with direction on which projects to prioritize as well as additional sustainability projects not included on the list.

Current Ongoing Projects:

- Community Renewable Energy Program (“CREP”);
- Fort Union Bike Lane;
- East Jordan Canal Feasibility Study;
- Mountview Pollinator Garden Community;
- Tree Sale Event;
- Sustainability Ordinance Amendments; and
- Sustainability Communication Improvements.

**2024 RECOMMENDED SUSTAINABILITY PRIORITY PROJECTS**

Staff identified several potential projects from each section of the Interlocal Sustainability Action Plan (“ISAP”) to provide the City Council with a variety of options to consider. Staff recommended the following projects:

- **Additional Sustainability Code Updates**

*ISAP Reference:* Several; this ties into Landscaping, Energy Use, and Development.

*Why This:* Code updates can nudge new development and redevelopment in sustainable directions, by encouraging preservation, sustainable infrastructure alternatives, and installation of clean and energy-efficient structures and appliances.

*Recommendation:* Consider directing staff to develop and adopt ordinances relating to tree canopy preservation, stretch codes, permeable pavement incentives, and other sustainability code updates as identified by the City Council. Staff would also explore opportunities to participate in grant options or knowledge-sharing with other municipalities and organizations.

- **Workshop Series**

*ISAP Reference:* “Citizens who participate in these processes show significant commitment to help make [sustainability] happen.” (Community Engagement).

*Why This:* Staff often interacts with residents who express a desire to improve personal sustainability or get involved on a community scale. Staff also hears from residents who express confusion or frustration over city ordinances or initiatives related to sustainability, such as landscaping. This signals to staff that there may be an opportunity for community outreach and education on sustainability topics.

*Recommendation:* Direct staff to organize workshops on sustainability topics such as landscaping, reducing water usage, composting/waste management, consumer information, and more. Staff would also look for partnership opportunities with organizations like the University of Utah, Wasatch Front Waste and Recycling, or local non-profits to help the city hold these events.

Council Member Birrell wanted Staff to consider the concept of looking at the Code to determine where they can reduce the disruption of existing natural land, particularly as it pertains to External Accessory Dwelling Units (“ADU”). Workshop ideas were discussed.

- **Hard-to-Recycle Event**

*ISAP Reference:* “Provide community members with information on where to drop off items that cannot be processed via curbside service.” (Waste Management)

*Why This:* Many everyday products are highly recyclable but are unable to be recycled via standard curbside bin service. This often results in the tossing of items with highly valuable or highly volatile components into the landfill, given that opportunities to recycle these items are few and far between.

*Recommendation:* Work with non-profit organizations such as Utah Recycling Alliance to promote and host a Hard-to-Recycle event on city-owned property such as Hillside Plaza or City Hall; Combine with Shred Event or other city waste-related events.

- **Sustainability Celebration Event**

*ISAP Reference:* “Collaborate with local chambers of commerce or business associations to recognize those businesses which exemplify sustainability through their buildings, operations, or services.” (Development).

*Why This:* Our community has made great sustainability strides in recent years and has a lot to be proud of. Although the City hosts events and issues awards throughout the year that highlight businesses and landscaping projects, many efforts made by community members go unrecognized. These efforts could be recognized in a unified public-facing event where the city proclaims and celebrates local sustainability efforts.

*Recommendation:* Direct Staff to assemble/put on an event to recognize and celebrate local sustainability efforts, with the potential that the event could be annual. The event could be combined or done in collaboration with existing business development events and local landscaping awards, and local businesses could showcase sustainability work and promote their products.

Mr. Harris stated that the following are additional ideas for Priority Projects that City Council could consider:

- **Public Transportation Upgrades**

*ISAP Reference:* “Support incentives and programs which encourage the use of public transportation, including infrastructure upgrades to improve public transportation stops.” (Transportation).

*Why This:* Though the City does not have direct control over where and how the Utah Transit Authority (“UTA”) busses run in Cottonwood Heights, there may be an opportunity for us to encourage more use of public transportation by contributing toward upgrades for bus stops and exploring additional parking for bus riders. Upgrades could include adding shelters to existing bus stops to buffer harsh summer and winter conditions, installing ski and snowboard racks at ski bus stops, and incorporating more seating. In terms of exploring additional parking options for bus users, staff could pursue partnerships with owners of underutilized parking lots near existing bus stops to allow the use of stalls for public transportation riders.

*Recommendation:* In partnership with UTA and other regional organizations, direct Staff to explore and implement small-scale permanent improvements to bus stops on city-owned property, such as seating, bus shelters, ski racks, and improved parking infrastructure; direct staff to conduct a study to explore the utilization of private parking areas for ski bus riders.

- **Community Garden Feasibility Study**

*ISAP Reference:* Several; this ties into Landscaping, Energy Use, Transportation, and Waste Management (Community Engagement).

*Why This:* Community gardens grant numerous sustainability-related benefits, including making fresh produce accessible, promoting healthier lifestyles, cleaning up the environment, building stronger communities, educating participants, and relieving stress.

*Recommendation:* Allocate funding to work with a consultant and community members on a Community Garden Feasibility Study. This would include ascertaining support from community members, examining non-profit frameworks, studying potential sites, and exploring collaboration opportunities. This may be a good candidate for partnership with high school students and the Youth City Council.

Council Members identified potential opportunities.

- **Explore Green Stormwater Opportunities Within the City**

*ISAP Reference:* “Consider standards for low-impact stormwater management, such as bioswales, rain gardens, rooftop plantings, tree grates, etc.” (Landscaping)

*Why This:* Our topography and geography create stormwater hazards within the city during high-runoff periods, like spring snowmelt flooding and monsoon thunderstorm events. While the city has a complex and well-managed stormwater system, opportunities exist to implement green stormwater solutions that produce numerous benefits, like enhanced water quality, flood control, and spaces for the public to enjoy.

*Recommendation:* Direct Planning Staff to collaborate with Public Works to explore opportunities for sustainable stormwater solutions within the city during new construction and updates of existing facilities as part of the City's regular stormwater maintenance plans.

- **Food Waste and Food Security**

*ISAP Reference:* “Support collaboration between food banks and businesses to redistribute excess food to those in need.” (Waste Management).

*Why This:* Every day, about 330 million pounds of food is wasted in the United States, yet millions of households experience food insecurity. Food pantries can assist by redirecting unused food to those in need before it expires. Additionally, while wasted food often spoils and becomes inedible, it can usually still be put to productive use by composting and being utilized as fertilizer.

*Recommendation:* Establish a Food Drive event at City Hall and explore ways for City Staff to help facilitate community composting for residents. This could be combined with a food donation drive, composting workshop, or a community garden initiative. This project could be a good candidate to partner with local organizations and the Youth City Council.

- **Lighting Audit on Civic Properties**

*ISAP Reference:* “Utilize dark-sky fixtures and low-impact lamps when installing lighting for City facilities and streetlamps.” (Development)

*Why This:* Since adopting the City's Outdoor Lighting Ordinance, it is possible that some existing lighting on City properties and facilities completed prior to the ordinance may now be considered non-conforming. This project could serve as another good opportunity for the City to lead by example while reducing light pollution and light trespass from civic centers and public lighting infrastructure.

*Recommendation:* Direct Staff to conduct a lighting assessment on public properties and facilities to determine the extent of non-conforming public lighting, such as those owned by the City, local

parks, and the public right-of-way. The results of the audit would then be studied to determine the scope of lighting nonconformity and funding estimates to update lighting. For streetlights in particular, consider establishing a street lighting fund to assist in the construction of new and maintenance/conversion of existing streetlights to a more conforming standard.

Mr. Harris reported that an Ordinance regulating light pollution was adopted several years ago with a focus on new development. Since then, many of the lights along streets may be non-conforming. He suggested looking at streetlights based on their age and location with opportunities to replace them with shielded light fixtures or those that reduce light pollution. Mr. Johnson stated that part of the update would be a proposal to establish a Street Lighting Fund as there is no current set-aside budget item for streetlights. Some are owned by utility companies but the black decorative are all City streetlights with the majority being owned by Rocky Mountain Power.

Mr. Shipp reported that a Light Audit may be conducted by several different companies for minimal cost supported by Rocky Mountain Power. He agreed to work with Staff to determine the best way to conduct the Audit. The purchase process for those already existing was described. He stated that items to consider were current light conditions and savings over time if purchased. Although there is no current Code requirement for existing lighting, the current policy may be reviewed. Mr. Harris stated that Staff will prepare a Fiscal Impact Estimate for the top four prioritized items to be presented at the upcoming 2024 City Council Retreat. If requested, more cost information may be provided on other items as discussed.

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

- a. **Death by Chocolate Event – Monday, February 12, 2024, Starting at 6:00 PM – City Hall Cullimore Community Room.**
- b. **Cottonwood Heights State of the City Address by Mayor Weichers – Tuesday, February 13, 2024, at 6:00 PM – City Hall Cullimore Community Room.**
- c. **City Hall will be Closed on Monday, February 19, 2024, for Presidents Day.**
- d. **East Jordan Canal Trail Feasibility Study Open House – Wednesday, February 21, 2024 – City Hall Cullimore Community Room.**
- e. **Citizens Police Academy Begins Wednesday, February 28, 2024 – City Hall Cullimore Community Room.**
- f. **February 27, 2024, Youth City Council Dinner.**
- g. **Sweetheart Paint Night – Friday, March 1, 2024, Starting at 6:30 PM – City Hall Cullimore Community Room.**
- h. **Beauty and the Beast Musical Auditions – Friday, March 15, and Saturday, March 16 – City Hall Cullimore Community Room.**
- i. **Easter Egg Hunt – Saturday, March 30 beginning at 10:00 AM at Butler Park.**

#### **5.0 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.

**6.0 ADJOURN CITY COUNCIL WORK SESSION.**

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

The Work Session adjourned at 6:18 PM.



**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, FEBRUARY 6, 2024, AT 7:00 PM IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,  
COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Mayor Mike Weichers Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Ellen Birrell

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

**Excused:** Council Member Shawn E. Newell

**1.0 WELCOME – Mayor Mike Weichers.**

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

**1.0 PLEDGE OF ALLEGIANCE**

The Pledge was led by Records, Culture, and HR Director/City Recorder, Paula Melgar.

**2.0 CITIZEN COMMENTS**

*Frank Mylar* reported that he is running for Utah Attorney General. He lives in Cottonwood Heights and has for many years. Additionally, he has been practicing law for over 36 years. The Attorney General position is very important and most of the candidates have little to no experience. He reported that he has worked for three different Attorney Generals. His law practice has been in Cottonwood Heights since 2000. Mr. Mylar stated that most of his work involves representing cities and county governments when they are sued, which is the same kind of work that the Attorney General does. He is the only candidate who has argued before the Utah Supreme Court on numerous occasions as well as the Court of Appeals. He is also the only attorney running who has managed other attorneys inside and outside the Attorney General's Office. Mr. Mylar stated that he can be trusted and suggested that an attorney is needed rather than a politician. He has a lot of experience and expertise that he can draw from and asked those present for their support.

*Scott Bracken* shared a comment related to the Fort Union Traffic Study. He appreciated the Council looking into the data and the root causes. He noted that the City of Cottonwood Heights previously had a reputation for having strong DUI enforcement. However, that reputation subsided when one Council Member constantly attacked the police and another used circumstances as justification to cut the budget. He was pleased that the City Council has since restored the positions lost. Even with that, there are still social media comments promoting dangerous and inappropriate solutions. Mr. Bracken was interested to find out how many crashes are speed-related. The City Council seems to want to work on different ways to slow traffic and calm traffic on Fort Union

Boulevard to make it safer. There has been mention of design barriers but he noted that barriers are hit even at slow speeds. It is important to be aware of that when considering the design.

*Runar Boman* noted that at the last City Council Meeting, there was a presentation on the revenues and expenditures for the fiscal year. It seems that expenses are increasing more than revenues, which is important to keep in mind. During the Work Session, there was a lot of discussion about Fort Union Boulevard. He lives nearby and driving 40 MPH there is essentially impossible due to the traffic levels. Slowing down the traffic further is not a good idea as there will be unforeseen consequences. He encouraged the Council not to focus on slowing down the traffic. As for the DUI situation, he hoped that the presence of more officers will have an impact. Mr. Boman also discussed sustainability and noted that he liked the landscaping ideas presented.

*Christian Clinger* reported that he is a business owner in Cottonwood Heights. There are significant problems with speeding and traffic throughout the City, specifically along Creek Road, Danish Road, and Fort Union Boulevard. Salt Lake City, Park City, and now Provo, have taken action to install speed reduction and introduced traffic calming measures throughout their cities by reducing posted speed limits, adding speed bumps, using street narrowing devices, and adding roundabouts. He was aware that certain national studies attempt to dissuade cities from installing speed bumps but Salt Lake City, Park City, and Provo put the safety of their citizens above those national traffic studies. Some Cottonwood Heights residents do not feel that the City has significant speeding or traffic problems but there are ongoing problems that need to be addressed. Evidence was being gathered to rebut the claims that traffic and roadways are improving. Citizens with doorbell and other cameras on their properties are submitting evidence of these issues. That evidence will be submitted to the City to highlight speeding and traffic problems.

*Alan Mark* discussed a petition from last year and noted that no formal feedback was received. He reported that he recently sent a short video to the Mayor to illustrate the traffic issues. In the video, four vehicles went through a red light. These issues are happening in the community, regardless of what studies indicate. He asked if there is a way to place cameras throughout the community to see what is taking place.

City Manager, Tim Tingey, admitted into the record written public comments that were submitted to the City prior to 4:00 p.m. Comments from the following individuals were submitted: Audrey Pines, Christine Garrett, Dennis Iverson, Hannah Lazar, Jeff Davies, Mary Ellen Johnson, and Spencer Jacobs. All of the comments were forwarded to the City Council for review.

*Sara Anderson* lives in District 2 and is a long-time resident of Cottonwood Heights. She is currently working on a petition that calls for a ceasefire in Gaza. Across the country, many cities have done this and she wants to see Salt Lake City do the same. She asked Cottonwood Heights to be a leader in this effort. Over 35,000 Palestinians have been killed since October 7, 2023, and there are Israeli and Palestinian hostages being held. Everyone is witnessing an unparalleled catastrophe and humanitarian disaster. It is important to take action. Ms. Anderson sent petition signatures to the District 2 representative and was gathering more signatures. She asked Cottonwood Heights to take a stand against the genocide that is occurring and stand with progress and humanity. She will continue to gather more signatures that she will share with the City Council.

Mayor Weichers asked Jake Hughes to introduce his youth group. Mr. Hughes identified himself as a Bishop in the Church of Jesus Christ of Latter-day Saints of a congregation on Creek Road. Those present at the meeting were interested in getting involved in the City and want to better understand the community. Council Member Birrell reported that she serves as the Liaison for the Youth City Council. Anyone in eighth grade and above can fill out an application to serve on the Youth City Council in the spring. She hoped those present would watch for that information and apply to serve.

There were no further public comments. The Citizen Comment period was closed at 7:28 p.m.

### **3.0 PUBLIC HEARING – “Tavaci” Annexation Petition – Introduction by Community and Economic Development Director, Michael Johnson.**

Mayor Weichers reported that there will be a public hearing for the “Tavaci” Annexation Petition. He explained that there is a neighborhood in unincorporated Salt Lake County that has requested through petition to be incorporated into Cottonwood Heights. The Council has been evaluating the petition. Community and Economic Development Director, Michael Johnson, shared additional information about the petition. He explained that the petition is from the owners in the “Tavaci” subdivision. The request is to annex the subdivision and an adjacent parcel from unincorporated Salt Lake County into Cottonwood Heights City limits. He identified the area on a map and explained that it includes 43 single-family lots and the 50-acre parcel directly to the north.

Mr. Johnson shared background information and explained that a 43-lot single-family subdivision was originally approved under Salt Lake County’s jurisdiction in 2004. Development on one of the homes began around that same time. When Cottonwood Heights became a City, “Tavaci” was within City limits. In 2011, there was a petition filed by a previous developer, unaffiliated with the current petitioners, to disconnect “Tavaci” from Cottonwood Heights. Salt Lake County has reviewed, issued, and inspected all of the homes being constructed there.

Access is via a single private roadway. The base of the roadway is still within the jurisdiction of Cottonwood Heights City. As it winds up into the hillside, it enters County territory. Mr. Johnson explained that it is a privately owned roadway with an entry gate. His understanding was that there is only one point of ingress and egress. As such, there are Fire Department standards for the homes to account for fire mitigation, such as fire sprinklers. Under the current ordinances, a secondary access point would be required after 30 homes unless there are additional mitigation efforts.

Mr. Johnson reiterated that the petition includes a 50-acre parcel to the north. It is not part of “Tavaci,” but is owned by the same owner that has the large gravel pit property at the mouth of the canyon. He summarized some of the concerns and potential benefits that were discussed previously. During the Work Session, an analysis was shared that reviewed the additional costs if incorporation occurred. The additional costs were minimal as the request will not require additional staffing from a public safety, public works, or development services standpoint. The data from the Unified Fire Authority (“UFA”) was that there have been six calls in the last few years for service. Currently, it is within the Unified Police Department (“UPD”) territory for police

services. From a public safety standpoint, response times would be quicker if it was part of Cottonwood Heights.

From a permitting standpoint, close to half of the homes have received permitting, entitlement, and are either finished, occupied, or under construction. Approximately half still need to be permitted and reviewed. One point that the City has tried to make clear is that while Salt Lake County Ordinances are likely similar to Cottonwood Heights, they are not identical, so there might be new development standards that would apply to the unbuilt homes moving forward if the annexation ultimately occurs. Mr. Johnson noted that there have been lengthy discussions about the private road that services the site. The Homeowners Association (“HOA”) comment that was submitted earlier was a narrative that reaffirmed the intention to keep that road private. Additionally, financial documentation for the HOA was submitted to illustrate how funds are collected and used for maintenance. Mr. Johnson reiterated that it is a private road and the City wants it to remain that way. What occurs with that road in the future will be a Council policy decision if there is a request at any point in time for the City to take ownership of the road.

Mayor Weichers opened the public hearing at 7:36 p.m.

*Kerry Winn* believed there had been some misinformation regarding the intentions with “Tavaci.” He reported that America First Credit Union foreclosed on the original developer back in 2011. Mr. Winn has been part of the management team that has managed the subdivision since then. There are 16 residents living there at the moment, three houses under sale, and a dozen in the process of moving forward. Currently, there are only about six lots to be sold. There is a unique situation with the one access road and bridge but he wants to make it clear that it is not the intention of the City to bear the costs or responsibility of the road maintenance. Homeowners there are responsible for maintenance, snow removal, repairs, and the upkeep of the road. He was available to answer questions. Mayor Weichers asked about the financial philosophy when it came to road maintenance. Mr. Winn reported that the HOA collects standard fees for all long and short-term maintenance. Snow removal costs are paid each year. With the bridge system, there are limitations, so a lot of work is done to make sure that the snow is cleared safely.

Council Member Birrell asked how the dissolution of the HOA has occurred. The State Commerce Department records show that the last filing was in 2020 and 2023, it was permanently dissolved. She asked if he was in the process of getting the HOA legitimately reinstated. Mr. Winn believed there was some misinformation there. The HOA is fully functioning and collects dues. The Licensing Fees have been paid each year. He clarified that the name of the HOA is Tavaci at Big Cottonwood Canyon HOA. It was news to him that there was nothing else that needed to be done to maintain compliance as the HOA is fully functioning.

*Scott Bracken* stated that the formal ownership and what the City went through previously does not apply to what is being requested now. Zoning and annexation go with the land. It seems that the current owners want lower taxes and access to local services. He believed the private road should remain private as the users of the private access are the ones responsible for the maintenance. There are some benefits for the residents of “Tavaci,” including the service levels and emergency response times. Future development will have to go through the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance, which he believes is an advantage.

*Amir Allack* reported that he is a resident of Cottonwood Heights and has been for eight years. He is also a small business owner in the City. Mr. Allack has lived in the Creek Road area, off of Wasatch Boulevard, and is currently living off of Bengal Boulevard. Mr. Allack noted that he purchased a lot in the “Tavaci” neighborhood in 2020. He was happy to be part of the community.

*Dan Kovach* expressed concerns about “Tavaci” and referenced some history of the area. The presentation from Mr. Johnson did not include past discussions about the number of units. As far as the bridge, he does not want to be responsible for what will be the most expensive bridge to repair in Cottonwood Heights should the annexation be approved. If the annexation is approved, he felt there should be a bond given by the owners of “Tavaci” for a bridge replacement and any associated environmental mitigation costs associated with the bridge. Mr. Kovach asked that Council Members consider the total lifecycle costs and not just the more immediate costs.

*Vasili Lyhnakis* read a letter on behalf of the Thompson family who will move in next year. The letter expressed appreciation that Cottonwood Heights was considering the annexation request. They want to give back to the community when their home is finished. As for reliance on City services, such as trash collection, snow removal, road, and bridge repair, those items are all taken care of by the HOA and members of the “Tavaci” community. It was also noted that the City will be receiving new revenue through the annual property taxes. The hope was that the petition for annexation will be approved as there is a desire to be part of the Cottonwood Heights community. Mr. Lyhnakis next shared his own comments. He has been paying into the HOA for the last three years and has seen firsthand the work being done. His family wants to be part of the community.

*Michelle Lyhnakis* considers herself a resident of Cottonwood Heights because her children attend local schools, they use the Rec Center, and everyone participates in Butlerville Days. Her family has a lot of pride in the community. The neighbors in “Tavaci” have concerns about development, smart growth, access to the canyons, traffic, and speeding, just like the residents in Cottonwood Heights. She wants the neighborhood to be part of the solution. Ms. Lyhnakis explained that an alarm went off in her home and it took 40 minutes for officers to arrive. If it had been an emergency situation it could have been extremely problematic as it was a long time to wait for service. She hoped that Cottonwood Heights would welcome “Tavaci” into the community. There is no desire to be a burden on Cottonwood Heights but to be part of the community and contribute to the City.

*Lyndon Smith* stated that he is a resident of “Tavaci.” He was the seventh to become a resident of the subdivision and has been there for over two years. Mr. Smith is also a member of the HOA. There is an active budget process and a desire to increase the reserve funds to cover the eventual needs of the development. It is important to state clearly that the bridge is under their own management but he also noted that insurance is paid for that bridge as well. The HOA pays for snow removal services and landscaping. Additionally, the lighting in the development was upgraded recently to provide more lighting and increase safety.

*Will McCarvill* felt that the re-annexation of “Tavaci” requires assurances that the citizens of Cottonwood Heights will not be called upon to finance repairs to a road that was built with 14 variances to the County Code. Without those assurances, he felt the area should remain with the

County. Mr. McCarvill expressed concern that the HOA was dissolved in 2023. If that is true, it seems to indicate a lack of attention to detail that might be true in other matters as well.

There were no further comments. The public hearing was closed at 8:01 p.m.

#### **4.0 STAFF QUARTERLY REPORTS**

##### **4.1 Police Report – Police Chief, Robby Russo and Support Services Manager/Administrative Assistant, Candie Terry.**

Police Chief, Robby Russo, and Support Services Manager/Administrative Assistant, Candie Terry, were present to share the Cottonwood Heights Police Department Statistical Report. Ms. Terry reported that the Citizens Academy process is underway. Those interested were invited to contact the Records Department. The Academy starts on February 28, 2024, and will run for 11 weeks every Wednesday night from 6:00 p.m. to 9:00 p.m. in the Community Room. Last year, Council Member Birrell attended. Council Members and residents were encouraged to register and participate.

Ms. Terry reviewed the calls for service. In January, there were 1,379 calls for service and 389 on-view calls. She explained that on-view calls pertain to items that an officer is not dispatched to. The calls for service were broken down by district with 454 calls in District 1, 235 in District 2, 294 in District 3, and 228 in District 4. Chief Russo reported that the reason there are more calls in District 1 is because that is where the commercial area of the City is located. Commercial areas tend to generate more calls. Ms. Terry next reviewed the January response times. The officer travel time for Priority 1 is 4:04, Priority 2 is 5:45, and Priority 3 is 4:53. Chief Russo explained that Priority 1 is a call when life is in jeopardy or there is something of that nature whereas Priority 2 is something less urgent, like a burglary alarm. The response times are impressive in the area.

The Uniform Crime Reporting statistics were shared for January 2024. Ms. Terry reported that there were six assaults, five burglaries, 20 thefts, and three stolen automobiles. Those numbers were down from January 2023. Chief Russo explained that proactive enforcement can reduce numbers. Ms. Terry stated that in January, there were 43 arrests. There were not as many thefts in January as there were in December. However, there were 10 juvenile citations issued in January. Council Member Birrell asked about the higher number in December. She wanted to know if it was from shopping theft or porch theft. Chief Russo clarified that the numbers were not broken down specifically in the data shown, but issues like shopping theft and porch theft would be included.

Ms. Terry reported that there were 402 traffic citations, 273 warnings, and 13 DUIs. Council Member Birrell asked how the number of warnings compares to last year. Ms. Terry did not have that information available, but Chief Russo believed the warnings were fairly consistent. Mayor Weichers pointed out that the Traffic Enforcement Division was hired in November. From November to January, the number of DUI arrests doubled, the warnings were increased, and the citations increased. Just this slide alone shows that the Traffic Enforcement Division is making a difference. Ms. Terry reported that the Traffic Enforcement Division went live in the first week of December because training was taking place during the last two weeks of November.

The traffic citations were next broken down by district. Ms. Terry reported that District 1 had 163 citations, District 2 had 87, District 3 had 130, and District 4 had 179. As for accidents, there were 42 related to property damage and 10 injury accidents. She shared information about animal control and code enforcement, where the total number of calls for service was 80. There were 28 animal control calls, 7 code enforcement, and 45 traffic enforcement. 7 animal control citations were issued 1 code enforcement, and 53 traffic enforcement. The latter includes parking citations during the snow event. Ms. Terry reviewed the Traffic Unit statistics for January and explained that 386 citations were issued, 340 traffic stops were conducted, 18 vehicles were impounded, there were 6 DUIs, 38 accidents were attended, and there were 11 arrests. 24 other reports were written and 19 officers were assisted with arrests. Ms. Terry reported that there was one attended death and one unattended death last month. She shared the heat map for the property crimes and then shared heat maps for each district. A heat map for citations was also shared.

Chief Russo discussed the Cottonwood Heights Police Department nursery. It was a wonderful way to support staff. He noted that there is a lot the officers do that residents are unaware of, including an officer who will coach women's softball at Brighton High School shortly. Ms. Terry shared photographs taken by the Traffic Unit. It highlighted crosswalk and pedestrian issues.

Council Member Birrell noted that Council Member Suzanne Hyland brought to her attention that just north of the City, where 6400 South comes into Highland Drive, a no right-hand turn signal was put in whenever a pedestrian activates the crosswalk. She went there to observe how vehicles reacted to that and many vehicles did not come to a complete stop and drove right through. There is a problem with motorists turning right. She stressed the importance of intersection safety.

Chief Russo discussed the Vigilant License Plate Reader ("LPR"). When a vehicle passes, some LPRs can alert the police if there is a wanted person or stolen vehicle. There has been a lot of success so far. He shared some of the success stories that have occurred thanks to the LPRs.

Chief Russo discussed homeless camping taking place around the freeway off-ramps. He explained that it is not illegal to stand on the corner, hold a sign, and request funds. However, it is illegal to camp and step into the roadway to accept money. This is something that will be monitored. Council Member Matt Holton noted that there are communities on the west side of Highland Drive that are close to the areas where people are camping, so it is a concern to residents.

Chief Russo discussed mental health issues in the community. The hope is to reach people before it becomes a crisis or there is a negative interaction with an officer. He shared a short video to illustrate some of the issues and stressed the importance of providing resources to those in need. There is a desire to work on the mental health program and provide necessary resources to those in need. Mayor Weichers noted that he issued a press release related to one of the examples, as it was picked up by some news outlets. The officers were able to diffuse the situation and ultimately took the person into custody in a safe manner. It is important to celebrate the success stories.

Ms. Terry reported that the safety message for the month relates to dating violence since February is dating violence month. The slide outlined warning signs for dating violence. Council Members expressed their appreciation for everything the Cottonwood Heights Police Department does.

#### **4.2 Unified Fire Report – Assistant Chief, Riley Pilgrim.**

Assistant Fire Chief, Riley Pilgrim shared the UFA Cottonwood Heights Quarterly Report. From October 1 to December 31, there was a total of 550 incidents, 202 of which were emergent. He shared a four-year comparison chart. There is not a lot of difference as far as call volume. The most common call types in the last quarter include natural vegetation fires, structure fires, outside rubbish fires, cultivated vegetation fires, and special outside fires. There has been work done with code enforcement due to ongoing challenges with a compost pile. Code enforcement has visited with that individual several times and a mitigation plan was outlined. On average, 20% of the calls are fire-related and the other 80% are service calls or EMS calls. For this quarter, the top EMS dispatch calls related to shortfalls, sickness, motor vehicle crashes, psychiatric problems, and breathing problems. Other top dispatches include false alarms, detector malfunctions, and so on.

Assistant Chief Pilgrim reported that approximately 90% of the calls are from Station 110 and Station 116. He reviewed the top engine/truck responses and the top ambulance responses. He noted that ambulances are strategically located throughout the valley to ensure there is appropriate service provided. As for the response times, there are a few things that they cannot control, such as dispatch times. Sometimes there is a delay with the dispatch calls, but there has been some improvement. It is also not possible to control traffic. On average, the 50<sup>th</sup> percentile is 4:59 and the 90<sup>th</sup> percentile is 8:08. One of the goals for the year is a 10% improvement in the times, which is being seen in a lot of the stations. A map of the UFA call types for Cottonwood Heights was shared. A heat map indicated the UFA call density in the City from October 1 to December 31.

Assistant Chief Pilgrim stated that Fire School is tentatively scheduled for April 12, 2024. That date will be finalized shortly. Those who have not attended previously are encouraged to do so.

#### **5.0 ACTION ITEMS**

##### **5.1 Consideration of Ordinance 408 - Adopting an Amended Budget for Fiscal Year 2023-2024.**

Mayor Weichers reported that there was a public hearing on the item at the last meeting.

**MOTION:** Council Member Hyland moved to APPROVE Ordinance 408 – Adopting an Amended Budget for Fiscal Year 2023-2024. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Birrell-Yes; Mayor Weichers-Yes. The motion passed unanimously.

##### **5.2 Consideration of Ordinance 409 - Amending Code Section 11.20.050 Concerning Prohibited Parking of Vehicles.**

**MOTION:** Council Member Holton moved to APPROVE Ordinance 409 – Amending Code Section 11.20.050 Concerning Prohibited Parking of Vehicles. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Yes; Council Member



Hyland-Yes; Council Member Birrell-Yes; Mayor Weichers-Yes. The motion passed unanimously.

**5.3 Consideration of Resolution 2024-08 – Ratifying the Election of a Mayor Pro Tempore.**

Mayor Weichers reported that the Mayor Pro Tempore is a member of the City Council who can fill in if he is unavailable to run the City Council Meeting. The Statute allows the Council to submit names by secret ballot to the City Recorder, which has been done. It was noted that there were four votes for Council Member Shawn E. Newell and one vote for Council Member Birrell.

**MOTION:** Council Member Holton moved to APPROVE Resolution 2024-08 – Ratifying the Election of a Mayor Pro Tempore, Shawn Newell. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Birrell-Yes; Mayor Weichers-Yes. The motion passed unanimously.

**5.4 Consideration of Resolution 2024-09 – Approving a Bank Account.**

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

**MOTION:** Council Member Hyland moved to APPROVE Resolution 2024-09 – Approving a Bank Account. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Birrell-Yes; Mayor Weichers-Yes. The motion passed unanimously.

**6.0 CONSENT CALENDAR**

**6.1 Approval of the Minutes of the City Council Work Session and Business Meeting Minutes of January 16, 2024.**

**MOTION:** Council Member Hyland moved to APPROVE the Consent Calendar. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Yes; Council Member Hyland-Yes; Council Member Birrell-Yes; Mayor Weichers-Yes. The motion passed unanimously.

**7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The City Council Meeting adjourned at 8:54 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, February 6, 2024.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: February 20, 2024.