

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, FEBRUARY 20, 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 Shawn E. Newell, 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; Unified Fire Assistant Chief Riley Pilgrim, 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 4:08 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 two Public Action Items. The first was consideration of Ordinance 410-A approving the re-zone of .45 acres located at 7980 South Danish Oaks Drive from Rural Residential Single Family (RR-1-21) to Residential Single Family (R-1-10) and Amending the Zoning Map. Community and Development Director, Michael Johnson reported that this is a clean-up rezone to be located between the Danish Pines and Watson Hollow Subdivisions. The subject property is currently zoned RR-1-21 and is not part of either subdivision or the subdivision plat. The owner of the three parcels is interested in consolidating the three lots and has requested a rezone to R-1-10. To move forward with the consolidation, the zoning must be consistent on all three lots.

The second Public Action item involved consideration of the Sports Court Proposed Ordinance. Mr. Johnson reported that the Planning Commission took the existing draft and made substantial changes. Staff was working toward a formalized updated draft that was expected to be ready within one week. Rather than regulate sports courts by use, the intent was to regulate outdoor non-building structures over 500 square feet. The following would be required:

- A Building Permit;
- An Affidavit signed by the property owner to be recorded against the property;
- Elimination of the previous recommendation to require a Noise Study prior to construction;
- Maintain the minimum setbacks as accessory buildings.

Mr. Johnson reported that lighting and fencing are regulated by the current Code. The Planning Commission also recommended clarification of the definition of “Noise Violation” specific to the

Noise Ordinance and it being subject to nuisance enforcement. Public comment will be considered when drafting the Ordinance. Mr. Johnson stated all other noise issues are regulated by reference in the Salt Lake County Noise Ordinance. Staff may now clarify which part of the Ordinance is applicable without rewriting the City's regulations.

3.0 STAFF REPORTS

a. March Meeting Dates Discussion – Mayor Weichers and City Manager, Tim Tingey.

Mayor Weichers reported that the City Council Meeting scheduled for Tuesday, March 5 conflicts with the scheduled Republican and Democrat Caucus meetings. Possible options were to reschedule the meeting to Monday, March 4 or move forward with the original March 5 date and hold an abbreviated meeting. The abbreviated Work Session would be held from 4:00 PM to 5:00 PM with the Business Meeting to take place from 5:00 PM to 6:00 PM. This would allow time for Council Members to attend both caucuses at 7:00 PM. City Manager, Tim Tingey stated the Public Notice would specify an abbreviated meeting schedule. It was noted that the March 5 meeting agenda had no scheduled public comment items. It was the consensus of the City Council to hold an abbreviated City Council Meeting on March 5 beginning at 4:00 PM.

Mayor Weichers reported that he would not be present at the Tuesday, March 19 meeting. Council Member Newell would act as Mayor Pro Tempore. Mr. Tingey reported that the agenda items will include the Tavaci Annexation and the Sports Court Ordinance. The current moratorium could be addressed at an April Meeting.

Council Member Hyland recommended the Building Permit portion of the Sports Court Ordinance be put in place prior to the expiration of the moratorium. Mr. Johnson believed that was an option as specifying noise as a potential nuisance is a different title in the Code than permitting and structure definitions.

Council Member Birrell reported that the Tavaci Annexation is a critical issue for the constituents of District 4. She wanted to ensure that they were thorough and have done their due diligence prior to moving the matter forward.

b. Parade Start Time Discussion – Culture Manager, Ann Eatchel.

Culture Manager, Ann Eatchel reported that the Butlerville Days Parade has traditionally started at 11:00 AM. The City has received multiple concerns from both participants and spectators regarding the increased temperatures with an 11:00 AM start time. She presented the discussion to the Butlerville Days Committee who recognized concerns with congestion and heat for participants and spectators. It was suggested that at 9:00 AM there would be less traffic and allow residents time to return to participate in activities later in the afternoon. Their main concern was the addition of two hours that require police officers to be present. The Committee formally approved the parade start time from 11:00 AM to 9:00 AM.

Police Chief, Robby Russo reported that it takes the entire Police Department to staff the parade route and Butlerville Days activities. With the addition of two hours, officers will arrive at 8:00 AM and work until midnight. They will staff the parade while half of the officers will be sent home to sleep for several hours and return to relieve the others. There will be reduced staffing with an added cost. Unified Fire Authority (“UFA”) Assistant Chief, Riley Pilgrim stated that the Fire Department can absorb the hours more easily than the Cottonwood Heights Police Department (“CHPD”) but will be required to bring in regular day staffing earlier than usual.

Mayor Weichers recommended the parade start time be moved to 9:00 AM. He requested that Chief Russo provide an analysis of how this time change may affect his department. The time change may be reevaluated after this year’s activities should there be adverse effects.

Ms. Eatchel reported that there are 156 days remaining until Butlerville Days and they are still in need of a Co-Chair.

c. Metro Water Project – Public Works Director/City Engineer, Matt Shipp and City Attorney, Shane Topham.

Public Works Director/City Engineer, Matt Shipp reported that the Metro Water Project will include the installation of a 36-inch waterline from the Big Cottonwood Water Treatment Plant to the Fort Union Boulevard aqueduct. The aqueduct has a 72-inch line that runs from Fort Union Boulevard to their Metro Treatment Plant off Danish Road. Metro is overseeing the project and is putting together the resident Agreements and Easement. When the matter was initially introduced to the City, Staff asked the City Council for funding to design the Fort Union Boulevard storm drain line. The process was reviewed with Metro and the storm drain line was designed. Subsequently, the project was put on hold to pay for larger storm drain projects.

Mr. Shipp reported that the Metro Water Project will be going through sensitive lands. Per City Ordinance, a variance process is required with existing restrictions when crossing earthquake faults or where there are geotechnical issues. Mr. Johnson confirmed that the Variance Hearing is scheduled for March 7 and includes five different variances. Staff has reviewed the engineering and technical design of the pipeline and found the engineering to be technically sound. The City has been working with Metro on areas within the right-of-way and is looking for easements from the City.

City Attorney, Shane Topham reported that the Metro Water District is a special district that has statutory rights. One of those rights is the right to use City roadways without asking permission. They have approached the City, however, and are in the process of finalizing the Agreement. Metro will provide indemnification for themselves and their contractors should anything go wrong. They will be impacting private property as in many cases they already have an easement across those properties. The City will not be involved in Metro accessing the easement and any issues will be between the resident and Metro.

Council Member Birrell asked if the Development Review Committee (“DRC”) has met to review the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance. Mr. Johnson stated they have been meeting since October of 2023 on the various stages of the engineering

design for the pipeline. There are lines in the Ordinance that reference habitable structures. Critical infrastructure may not run through active landslide areas, may not disturb 30% slopes, and may not cross fault lines. The existing pipeline already crosses the aforementioned hazards and will work along the existing alignment. Part of the rationale is that there are only so many places where the pipeline may be located but all will impact the hazard areas.

Mr. Shipp reported that there will be significant construction and road closures. Metro has been consistent in providing Staff with updates and has certain rights that go along with the design. He did not anticipate any conflicts. Metro representatives will work in conjunction with their Information Officer and the Cottonwood Heights' Information Officer. Notifications will be posted on the City's website and questions may be directed to the Information Officer. The general alignment was reviewed. Mr. Shipp noted that the owners of properties that will be affected by the project have been in negotiation for over one year and are aware of the impacts. Metro is required to be off of Fort Union Boulevard by October 2024.

d. Police and Public Works Fleet Funding Discussion – City Manager, Tim Tingey; Administrative and Fiscal Services Director, Scott Jurges; and Police Chief, Robby Russo.

Mr. Tingey presented the Police and Public Works Fleet Funding Report and stated that the Lease for the Police and Public Works fleet vehicles ends in the Summer of 2024. The City works through Ken Garff Automotive Group which operates under State contracts and meets all procurement process standards. Ken Garff also provides a guaranteed buyback that is included in the contract. The two-year Lease includes elements of the warranties that are in place that result in a much higher buyback. After a thorough evaluation and analysis, the City anticipated a significant increase in costs due to adding additional police officers, vehicle inflationary factors, and higher interest rates. With 51 total vehicles, they expect an increase of approximately \$235,342 with the upcoming Lease. Most of the vehicles will be hybrid, especially for police and pickup trucks, which get better gas mileage and reduce gas costs. Staff will bring forward the bond documents to obtain the best interest rate.

Chief Russo reported that they have chosen to stay with a two-year Lease largely due to vehicles being in constant use with increased mileage. Maintenance is built into the program and includes tires, brakes, and oil changes. At two years, the vehicles will often go 30,000 to 32,000 miles. Ken Garff has requested that the vehicles be returned with no more than 34,000 miles to resell the vehicle while they still have the manufacturer's warranty. In years past, vehicles were taken to the dealer where the repairs were covered under warranty. He noted that the two-year Lease assists with recruitment and retention incentives and stated that it is less costly to buy the Lariat truck package as opposed to the stripped-down version with the hybrid buyback pricing.

Administrative and Financial Services Director, Scott Jurges reported that capital costs have increased. Mr. Tingey has checked with other municipalities that lease vehicles and discovered that the same issues are occurring in those jurisdictions. What once was a \$45,000 vehicle is now closer to \$60,000. He was working with financing agencies to obtain the best financing package to facilitate the Lease similar to what has occurred in past years. Current interest rates are averaging 4.5% whereas the former rate of the existing 2022 Lease is 2.99%. This change in

interest comes with a total \$77,500 increase. He noted they will enter into a five or six-year contract in terms of financing but pay it off after two years equal to the buyback amount. If needed, the total amount may be refinanced with associated fees. He would continue to conduct research. Mr. Tingey reported that the vehicles have been ordered. Staff will return with the bond and an agreement within the next few months.

e. **Tavaci Proposed Annexation Discussion – City Manager, Tim Tingey; Administrative and Fiscal Services Director, Scott Jurgens; and Police Chief, Robby Russo.**

Mr. Tingey reported that Mr. Topham has conducted research and submitted information to the City Council relative to the Tavaci Development Road Maintenance. Additional information from Kary Wynn who is representing the Tavaci Annexation petition was also provided.

Mayor Weichers stated that the City Council has expressed concern about the Tavaci Homeowners Association (“HOA”) potentially defaulting on its taxes and the maintenance defaulting to Salt Lake County. In discussing the issue with Council Member Birrell, it was determined that in the title, it may be requested that the County provide updates any time an encumbrance or property change takes place. Mr. Topham was uncertain where a third party could require notice of another’s property.

Council Member Birrell expressed concern with the entirety of the Annexation, which is made up of two equal-sized parcels, Tavaci and the Walker Family Trust. She was only recently made aware that the owner of the gravel pit is the same as the Walker Family Trust property and they too would be proposed to be annexed in. She was concerned with Mr. Topham’s previous statement that the City could involuntarily become the owner of the private infrastructure within Tavaci, such as the roads and access bridge which are currently owned by the HOA or the Tavaci developer. She asked if the City could identify with certainty the owner of the roadway. Mr. Topham confirmed that identifying the property owner would require a Title Report.

Mr. Johnson confirmed that the Tavaci at Big Cottonwood Canyons Owners Association, Inc. is shown as the owner of the roadway as reflected on the Parcel Record. Mr. Topham stated that brings up an interesting issue with two entities having the same name and the first having expired. He believed the safest approach would be for the old entity to deed the property over to the new entity. Council Member Birrell reported that the January 8, 2024, Utah Department of Commerce notification to the City indicates that the HOA was not dissolved. It was reported that the entity has paid the penalties that were owed to the State and Articles of Dissolution have not been filed. Mr. Topham explained that by State Statute, his understanding was that the HOA was administratively dissolved so Articles of Dissolution may not have been filed. It was his understanding that HOA matters are not pertinent to the annexation process. The developer either did not sign the Annexation Petition or if they did, the signature would be arguably invalid. With regard to the HOA having adequate insurance, he reiterated that the issue is not applicable to the issue of whether or annex under the annexation statutes. The City Council may determine that there may be a risk with regard to the roadway and the monetary responsibility and ancillary issues to be considered when making a determination.

Mayor Weichers reported that an email sent by Mr. Tingey included an attachment with the Engineering Study conducted on the Tavaci Development bridge. It was reported that there was an extensive Structural Inspection of the Tavaci Bridge to determine the condition of the concrete and identify any structural deficiencies that may warrant repair. The bridge was constructed with concrete beams and a concrete deck and barrier rails were designed to keep vehicles from falling off the bridge. It was recommended that maintenance and repairs be conducted annually and be designed to the newest Utah Department of Transportation (“UDOT”) standards for bridges. The bridge was constructed with the same load and material specifications as a bridge along any freeway and was designed to resist a large-magnitude earthquake. The design life was more than 100 years. Annual maintenance costs were estimated at \$3,500 and include surface repair and inspection.

Council Member Hyland commented that the bridge is partially located within Cottonwood Heights. With it already having exposure, she believed the greatest cost was with the bridge. City boundaries were identified. Mr. Johnson reported that the road appears to be an easement over the Rocky Mountain Power parcel.

Council Member Holton stated that in the beginning, he was in favor of the Tavaci Development being allowed to make their case but it was not an action he would support. Comments regarding Public Safety were his determining factor. He was appalled by the idea of someone breaking into a home located within the Tavaci Development and the uncertainty of a potentially delayed 911 response time. He was of the understanding that Cottonwood Heights does not respond in that area and questioned the agency responsible for a 40-minute response time. As small pockets of unannexed land have grown, the form of policing has changed and appropriate public safety has not been provided. The need to have legitimate Public Safety access nearby was enough for him to support the proposed annexation. Chief Russo explained that fire protection is available to smaller pocket properties as the nearest apparatus is called to respond. When the Sheriff’s Department separates from the Unified Police Department (“UPD”) and there is not a Sheriff’s car on call, the Sheriff’s Office may exercise its power and send Millcreek City, the City of Holladay, or Midvale City to oversee the call. Once separation takes place and those resources are no longer available, it will be the sole responsibility of the Sheriff’s Department to respond in the Unincorporated County.

Council Member Birrell considered it very unreasonable for the City to have to respond to Salt Lake County. Although sympathetic to residents, she did not see it as the responsibility of the City. After attending a recent meeting with Sheriff Rosie Rivera, she learned that this is a State Legislature issue that has created an untenable situation in Salt Lake County relative to the Utah Police Department (“UPD”) separating from the Sheriff’s Office. This is a problem created by the State. She emphasized that it is not the City’s responsibility to fix something for a neighborhood that was deliberately annexed out to avoid following City guidelines. She felt that the annexation holds taxpayers to an unfair level of liability.

Mayor Weichers stated that there is another aspect to be evaluated. In reviewing the potential cost, he reported that maintenance of the Tavaci Development will cost less under the HOA than maintaining other public streets. Council Member Holton reported that many areas along the

Wasatch Front are annexing to eliminate pocket properties. Council Member Hyland was hesitant to assume the potential liability of the annexation.

Mr. Johnson clarified that the Tavaci property was platted and de-annexed because the developers were originally seeking higher-density zoning. The responsibility of maintenance along Timberline Drive was discussed. Council Member Birrell stated that failure to pay property taxes along a roadway for four consecutive years would result in the property going to a tax sale with the host county involuntarily becoming the owner in the absence of any other bids. She stated that one example would be Timberline Drive residents who have expressed frustration with waiting for the definitive word on whether the City plans to pay for the cost of maintenance and repair. Mayor Weichers pointed out that the owners of the homes, such as those on Timberline Drive, are still responsible for road maintenance.

Council Member Holton believed that each property owner may have a different reason behind the Annexation Request and they should refrain from placing them in a collective group. The development is a limited pocket and he believed the City should provide assistance in providing Public Safety services if it does not come at a very high cost to the City.

Mr. Johnson reviewed the slope and geography of the subject properties. He stated that if the annexation were approved, zoning would be assigned as the current Salt Lake County zoning is one-half acre Forestry. Maintenance issues were discussed. Staff confirmed that the proposed annexation would be on a future Work Session Agenda.

4.0 REVIEW OF CALENDARS AND UPCOMING EVENTS.

- a. **East Jordan Canal Trail Feasibility Study Open House – Wednesday, February 21, 2024 – City Hall Cullimore Community Room.**
- b. **Youth City Council Dinner with the Mayor and City Council – Tuesday, February 27, 2024, at 6:00 PM – City Hall Cullimore Community Room.**
- c. **Citizens Police Academy Begins Wednesday, February 28, 2024 – City Hall Cullimore Community Room.**
- d. **Sweetheart Paint Night – Friday, March 1, 2024, Starting at 6:30 PM – City Hall Cullimore Community Room.**
- e. **Beauty and the Beast Musical Auditions – Friday, March 15, and Saturday, March 16 – City Hall Cullimore Community Room.**
- f. **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 Newell 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 5:34 PM.

MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (“CDRA”) WORK SESSION TUESDAY, FEBRUARY 20, 2024, AT 5:30 PM IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

Members Present: Mayor Mike Weichers, Board Member Suzanne Hyland, Board Member Matt Holton, Board Member Shawn E. Newell, Board Member Ellen Birrell

Staff Present: CDRA CEO, Tim Tingey; CDRA Attorney, Shane Topham; CDRA Secretary, 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

1.0 WELCOME – Board Chair Mike Weichers.

Board Chair Mike Weichers welcomed those in attendance.

2.0 CANYON CENTER AMENDMENT DISCUSSION – Community and Economic Development Director, Michael Johnson and Managing Member of Canyon Center Capital, LLC, Chris McCandless.

Mayor Weichers introduced the Canyon Center Amendment discussion. Chris McCandless and Jason Burningham were present representing the Canyon Center project.

Canyon Center Capital, LLC Managing Member, Chris McCandless presented the Canyon Center Amendment and stated that they have completed an apartment building design that they feel works well within the project. The design includes three floors of residential and one floor of office. A Tax Increment Study will be required before moving forward. They have been working with investors and financing, which has been challenging. The property has been listed for sale in the hope of attracting an investor or partner for a joint venture. They will entertain an offer to buy them out to move the project forward.

Mr. McCandless reported that the Unit 2D and 2E leases are near completion and the office space has been occupied by Kevin Bates. They have received a Letter of Intent from the Tap Room for the downstairs space as well as a cold plunge facility for Unit 2E. The project has been difficult and expensive with challenges resulting from the COVID-19 pandemic and financing being extraordinarily challenging. Moving forward, they will complete the amendment of the Development Agreement and meet with other taxing entities. At the same time, they would like to finish their plans that were submitted to the Planning Commission.

The next steps in the process were described as follows:

- Formal consideration by the Community Development and Renewal Agency (“CDRA”) of an Amended Development Agreement.

- Obtain an Amended Conditional Use Permit for the office building change of use subject to consideration by the Planning Commission.
- Approval of proposed changes by the taxing entities that are participating in the project.

Mayor Weichers asked how long the taxing entity buyout will take. City Manager, Tim Tingey responded that a buyout could take up to six months. Council Member Birrell stated that one of the challenges she has with this item is with the CDA digital tax increment model being illegible. She requested a larger printout to understand the specifics. It appears to start in 2023 and she felt it was the responsibility of the CDRA Board to look at the progression of the project.

Mr. Tingey identified the following questions needing to be addressed by the CDRA:

- Construction was to be completed by the end of 2024. An Extension Request from all involved taxing entities would be required.
- Reconfiguration of Tax Increment Financing (“TIF”).
- Provide the mix of uses going from Commercial to a mix of Commercial and Residential.
- Provide clarity on TIF projections with the new use configurations.

Mayor Weichers reported that he sought input from nearby residents regarding the change to mixed-use. The reviews were positive with the addition of three levels of residential versus the entire building being commercial.

Jason Burningham from LRB Public Finance presented a Canyon Centre Development Financial Overview. The Canyon Centre Project was originally envisioned in 2011 and formerly known as the Canyon Racquet Club. The property had minimal taxable value although it did generate some property tax for taxing entities. At that time, a base year value of \$4.8 million was established, which is the initial value the tax increment would be calculated on. The base year value was reestablished through an amendment process in 2013 of \$3,842,400. The reevaluation was conducted by the Salt Lake County Assessor’s Office. The current estimated assessed taxable value of the Canyon Centre CDA is \$54,805,089, which is a significant increase over the base year value of \$3,842,400. In addition to the \$54.8 million of existing assessed valuation and adding to that the additional \$31 million of the estimated Luxury Live/Work Office and Condominium components yet to be developed projects within the Canyon Centre CDA, the total assessed taxable value of the completed development was estimated at \$85.8 million.

Mr. Burningham reported that there are several major differences between the two valuations. The hotel has been valued at a much higher level than anticipated. They understood that the parking structure will not be on the tax value and incorporated into the other components. They later found that \$10 to \$12 million of parking structure had been added in the aggregate in addition to what they valued the project at. Items that the CDRA may consider include corrections to the nuances of the Project Area Plan and budget. They currently leave some ambiguity in terms of what the project was envisioned to be versus what it is currently. Definitions of the trigger date are in effect and clarification was needed regarding the timeframe of a possible extension.

Mr. Burningham reported that when planning the budget, caps were never set. The current cap amounts came from Interlocal Agreements, specifically with Salt Lake County and the Canyons School District. The Tables included in the Staff Report provide the fundamental documents that govern the Canyon Centre Project. He believed that the completion date requirements need to be revisited as certain benchmarks will not be met. He suggested that the Interlocal Agreements, specifically those related to Salt Lake County and the Canyons School District, be reviewed.

Mr. Burningham reported that the complexity of the timelines evolved into multiple amendments to address a changing landscape and consideration of the market, economy, and rising interest rates. He reiterated that the major items requiring adjustment include budgetary plans and budgets, the Development Agreement, and Interlocal Agreements. Due to COVID-19, legislation allowed for an additional two years of tax increment to be captured. The CDRA at that time adopted a Resolution that allowed for additional time and was an impact assessment. Salt Lake County set a cap of 25 years with an additional two years or a total of \$3 million. The Canyons School District did the same with a maximum of 25 years or a total of \$4.6 million. He anticipated that both caps will be met seven years prior to the final tax increment with approximately \$14 million of the available tax increment. That amount will satisfy and pay back the County \$7.4 million plus a small amount of interest. He believed it will also pay for the park improvements requested by the City in the amount of \$771,725. It will not fully cover other improvements such as additional sizing completed on the parking structure and the elimination of the developer-financed Special Improvement District (“SID”) Bond. The County would be paid back its \$7.75 million but there is some question as to whether the full City reimbursement would be completely paid back. The following actions were recommended:

- Revisit the Canyon Centre Project Area Plan, which would make it the Third Amended Project Area Plan. That action is taken by the CDRA and does not require review by other taxing entities.
- The Project Area Budget should go through a Second Amended Project Area Budget to reflect what is being envisioned to be developed.
- Interlocal Agreements should be revisited with the County and the Canyons School District.
- The Development Agreement, which was originally amended by City Attorney, Shane Topham, should be considered as an additional amendment with added guidelines.

Mr. Tingey’s understanding of the recommended actions was that as they go to the taxing entities the caps remain in place. They would show that the tax increment has increased allowing them to reach the caps. The main issues would involve a mix of uses and extending the remaining years. Mr. Burningham clarified that the caps will need to be changed to indicate what was intended to be paid for in the original plan and budget that will not be met by the caps. It meets most objectives with other priorities within the plan not being met.

Council Member Birrell wanted to review the history of the Canyon Centre Development Project from the initial stage to the present. Residents of District 4 requested a meeting with Mr. McCandless to discuss their concerns. That meeting had yet to take place. She asked that a meeting be scheduled to provide clarification of the residents’ concerns.

Mr. Tingey asked the City Council if they would prefer Staff provide a plan for moving through the suggested steps. It would mean getting the project plan and budget revised and returning to the CDRA for further review. Also moving forward with Interlocal Agreement conversations. Mayor Weichers was in favor of moving forward with the new plan and budget. Mr. McCandless expressed a willingness to meet with the residents to better address their concerns.

3.0 HILLSIDE PLAZA ADVISORY COMMITTEE REPORT – Community and Economic Development Director, Michael Johnson, Board Chair Mike Weichers, and Committee Chair Randy Whitehead.

Hillside Plaza Advisory Committee Chair, Randy Whitehead, presented the Hillside Plaza Advisory Committee Report. He referenced Carmel, Indiana, and its relevancy to the Hillside Plaza. Images were presented. Over the past three years, Carmel has won multiple awards from a mix of media outlets. The town transition started as a typical mid-west town with older historical buildings, shopping plazas that were past their prime, multiple parking lots, and no face or downtown area. Without proper amenities, residents would drive to surrounding towns for recreation and other activities. Carmel City representatives selected a downtown area with a design for gathering, making the city bikeable, walkable, and the ability to attract desirable businesses. The intent was to make residents feel pride in the beauty and ownership. Photos detailing upgraded markets and the downtown skating center with paver sidewalks to encourage walking were shared. Building facades were constructed to hide parking structures with additional parking underground. Mr. Whitehead reported that Carmel representatives focused on bringing in specific events and people regularly to ensure that merchants remained successful.

The Carmel City Transportation Plan was reviewed. Mr. Whitehead reported that the town has incorporated both walking and biking into the street design. The road has been narrowed with one lane in each direction. In the center of the roadway, there is a biking and walking path incorporated into the design. Bikes were made available throughout the town. He noted that Carmel Mayor Brainard guided him on a two-hour walk and along the way, multiple residents approached him and thanked him for taking an old town and turning it into something the residents love. Much of the design included smaller areas that were inviting for residents and visitors to gather. They focused on safety by reducing lanes and constructing roundabouts rather than signalized intersections and four-way stops. The road design reduced speeds and dramatically decreased injury accidents.

Council Member Holton asked if the condensed road design resulted in traffic being rerouted to other areas of the city and through neighborhoods. Mr. Whitehead responded that even with the slowing and narrowing of lanes, there was more throughput along the main street without the need for traffic in alternate directions. The Mayor was extremely focused on the elimination of all stoplights and burying all power lines. The budget included the annual commission of a new sculpture to line the city streets. Mayor Weichers stated that during his visit to Carmel, he was slightly overwhelmed with trying to determine how Cottonwood Heights could come close to the transitional results. He believed the solution was to move forward with a focus on “just starting.” He considered the Hillside Plaza to be the beginning of creating something similar.

Council Member Birrell reported that in the beginning Carmel only had a few corporate headquarters. The City selected companies for a public/private partnership and in the Mayor's view, growth was the result of the business community being willing to accept the vision and produce unique partnerships. It was not any one thing that led him to get corporations to partner and create changes to an entire city block. She was excited about the future possibilities.

Mr. Whitehead reviewed the financial analysis associated with the town's transition. Their typical tax revenue base was described. The current 15-acre Top Golf location has an assessed value of \$15 million or \$1 million per acre. A 35-acre Ikea location has a similar assessed value of \$35 million or \$1 million per acre. The 26-acre shopping plaza was valued at \$12 million or \$500,000 per acre and after the development of two acres, was valued at \$50 million. For every parcel in town, City Staff conducted an analysis to determine its worth. The Mayor stated they remained focused on using Tax Increment Funding ("TIF") to build infrastructure, underground parking, or structured parking that is not visible. By doing so, they were able to put more value on each property, which increased the tax base dramatically. Grants were also utilized for the roundabouts and road construction. The transition of a major four-lane highway to a teardrop design roundabout over the top of the bridge reduced accidents by 84%. Cottonwood Heights average daily traffic counts were reviewed.

Mayor Weichers thanked Mr. Whitehead and the Hillside Plaza Committee.

4.0 CANYON CENTER PARK CONTRACT UPDATE – Community and Economic Development Director, Michael Johnson.

Mr. Johnson reported that Staff will return with a contract in April 2024 to begin the Master Plan process for the Canyon Center Park.

5.0 APPROVAL OF MINUTES.

The minutes of this meeting will be approved through the following process: The Agency's secretary promptly will circulate a draft copy of the minutes to the Board members, who then will have three business days to provide any proposed corrections to the secretary. The secretary will then circulate a revised draft of the minutes to the Board members, and the same review process will continue until such time as no corrections to the draft minutes are received within the three business days review period, whereupon that draft of the minutes will be deemed approved and will become the final minutes of the meeting.

6.0 ADJOURNMENT.

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

The Work Session adjourned at 6:46 PM.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, FEBRUARY 20, 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 Shawn E. Newell, 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 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 7:06 PM and welcomed those present.

2.0 PLEDGE OF ALLEGIANCE

The Pledge was led by Council Member Hyland.

3.0 CITY COUNCIL COMMITTEE REPORTS

3.1 Committee Reports by Council Member Shawn Newell.

Council Member Newell reported on the following:

- The committees he works with have just taken on new assignments as of the first of the year. The Arts Council has scheduled *Beauty and the Beast* for Summer 2024 with performances at Butler Middle School.
- The Sweetheart Paint Event was scheduled for March 1, 2024.
- He serves on the Canyons School Foundation, which provides resources through fundraising for the Canyons School District. He also engages in Teacher Recognition for the District and Scholarship Awards.
- He serves on the Budget Committee, which is preparing to present the proposed fiscal year budget.
- The Salt Lake Valley Chamber of Commerce Board looks at ways to create a conduit between businesses in Cottonwood Heights and throughout the valley where he serves with Mayor Weichers and City Manager, Tim Tingey.

3.2 Committee Reports by Council Member Ellen Birrell.

Council Member Birrell reported on the following:

- She spent the last two years serving on the Utah Transit Authority (“UTA”) Local Advisory Council to which she was appointed by the Council of Governments (“COG”). She tries to effect positive outcomes for ski bus services and improve transit services within the City.
- The Advisory Council has brought in three new members excluding herself. She noted Salt Lake City Council Member, Dan Duggan, will serve on the Advisory Council and shares her passion for finding a way to improve transit to bring people from the south end of the valley to the Cultural District on the east bench.
- The work she will be doing as the New Council Liaison to the Parks, Trails, and Open Space Committee will provide an opportunity to work with others including the new sub-committee on active transportation. The committee has made great strides with a pilot program for a neighborhood byway.
- She serves on the Budget Committee alongside Council Member Newell and will be focusing on the proposed fiscal year budget.
- She was excited to serve as the Liaison to the Youth City Council (“YCC”). She remarked that Council Member Bracken did an amazing job for many years alongside his wife leading the YCC and she looked forward to continued involvement with the youth.

3.3 Committee Reports by Council Member Matt Holton.

Council Member Holton reported on the following:

- He has been assigned to work with the Wasatch Front Waste and Recycling Program. He hoped to improve both the spring and fall curbside pickup.
- He reported that a recycling truck recently caught fire due to materials that were placed in a recycling bin. They were unsure of the cause of the fire but stated that one cause tends to be batteries. Damage to the truck totaled \$125,000.
- He looked forward to engaging with the new committees over the remainder of the year.

3.4 Committee Reports by Council Member Suzanne Hyland.

Council Member Hyland reported on the following:

- She serves as the Liaison to Emergency Communications and Planning. On February 8, 2024, she participated in an Emergency Communications Training led by Assistant Chief Brenneman. The event was well attended.
- Carlos Cardon is a volunteer who has put an enormous amount of effort into communications in the event of an emergency. One of the primary takeaways from the meeting was that responsibility for an emergency falls on the residents within the first week while City efforts are focused on large buildings and schools. She emphasized that hope is not a plan and preparation is key. Assistant Chief Brenneman plans to retire in 2025 and she questioned the process of taking all of his institutional experience and knowledge and passing it on to his successor.
- She serves on the CH2 Committee which coordinates with the Cottonwood Heights Recreation Center.

- The Easter Egg hunt is scheduled for March 30 at 10 AM. She appreciated Ann Eatchel’s attention to detail while creating a positive experience. The Park Program volunteers will be recognized and presented with an award by the Utah Recreation and Park Association during the month of March.

3.5 Committee Reports by Mayor Mike Weichers.

Mayor Weichers reported on the following:

- The City is closely following a bill that is currently with the Legislature that would allow developers to use their own Building Inspector. Sometimes the speed of utilizing the City Inspector becomes an issue so efforts are being made to bypass that requirement and use their own. The Utah League of Cities and Towns (“ULCT”) is adamantly opposing the bill.
- The City Council will be participating in the Annual Retreat where they will spend an entire day establishing and scheduling priorities.
- During the Work Session, a change to the Butlerville Days Parade start time was discussed. The Mayor confirmed that the parade start time will be changed from 11:00 AM to 9:00 AM when temperatures are lower.

4.0 CITIZEN COMMENTS

Leslie Kovach reported that she lives on Lost Canyons Circle, which is a private lane that is not part of the Homeowners Association (“HOA”), to which her neighbor pays the tax on the road. She and her neighbors are responsible for services and maintenance of their private lane. Like the neighbors on Timberline Drive, she would like to see her lane transition to a Cottonwood Heights road. She cautioned the City Council on the proposed annexation of the Tavaci Development. Since its inception, they have had and always will have a private road. The road was built with many objections and she believed it may potentially cost the taxpayers millions should it need to be rebuilt. She urged the City to protect residents from future excessive tax bills. She asked the Council to support those who live in Tavaci and make them understand the challenges and opportunities of having bought into a single-lane private road.

Nancy Hardy stated that the open space off of Wasatch Boulevard that was purchased through donations was meant to be open space with possible access to the Bonneville Shoreline Trail. She was unsure of the City’s plans for that space but noted that parking and restrooms are nearby. Should it be used for parking, the lot would be small and force cars to park along Wasatch Boulevard. She suggested the newly approved gondola parking be used as a safe crossing point and provide public restrooms while keeping the open space unchanged.

Tom Bowen reported that he served on the inaugural Planning Commission for two terms. During that time, the Tavaci Project was presented and there were concerns with both the infrastructure and access. The developers pulled back and went to Salt Lake County. He understood there were several County Council Members in the pocket of the developer based on what they were able to do with the property. He noted that there were things they would not have been able to do as the

City would have required two points of ingress and egress from the project. He found it unnerving for them to return to the City after 15 years and request annexation.

Mark Machlis, a Prospector Drive resident, was looking for a solution to enforce the Short-Term Rental Ordinance. He was not opposed to short-term rentals but when they go awry there should be a complaint system in the Ordinance that provides enforcement. There are two unlicensed short-term rentals on Prospector Drive and he would like the ability to enforce the existing rules. He has been in contact with Enforcement Officer Wendell since 2022. Officer Wendell explained that to enforce the Ordinance, the renter must first be willing to place a complaint through Airbnb. The State has ruled that the City may not rely solely on an Airbnb listing and it cannot be restricted. He emphasized that they are asking for the ability to provide enforcement based on a neighbor's complaint. He reported that the Town of Brighton has found a way to enforce unlicensed short-term rentals based on neighbor complaints with a \$650 per day fine. He encouraged the City to get to a point where these types of problems can be enforced.

Mayor Weichers reported that there is one Short-Term Rental Bill that is expected to pass in the Legislature that deals with enforcement. Council Member Holton reported that the Utah Association of Counties and other groups have met to work with the Utah State Tax Commission's Administrative Fund Program to address verification. He believed the first step was for the Tax Commission to collaborate with experts and vendors to identify properties in the State to ensure that they are paying the applicable taxes. This is a multi-year issue with the first step being to identify the property owners.

Sara Anderson urged the City Council to pressure the President and Congressional Representatives to support an immediate cease-fire in Gaza. She noted that 72% of the 40,000 people killed in Gaza in the last four months have been civilians, which is in violation of International Humanitarian Law. The International Court of Justice has indicated that it is plausible that Israel is committing genocide. There are currently 1.9 million displaced refugees sheltering in tents. There are millions at imminent risk of death from starvation, dehydration, disease, and bombardment if a cease-fire is not achieved and humanitarian aid is not delivered. As a City Council, she believed they have immense power to pressure the current administration to put an end to the suffering. 70 US cities have passed Cease Fire Proclamations with the Salt Lake City Council just passing a Resolution. She presented a petition containing 30 signatures from those in support of passing a Resolution calling for a permanent cease-fire and encouraged Cottonwood Heights action in drafting a Resolution.

Zach Ulland identified himself as a neighbor of Mr. Machlis speaking in favor of Short-Term Rental enforcement. He reached out to Officer Wendell and presented documented photographs and recordings of the unlicensed rental. He was of the understanding that a resident would be required to rent the property in order to call enforcement on themselves. It would cost a renter \$1,000 for two nights to go through the required process to call the City with a complaint. He felt that if the occupant must be the one required to complain, nothing would ever happen and the illegal rental would continue.

Council Member Bracken reported that Representative Bennion has done a lot of work over the last two years on a bill that emphasizes that the State of Utah mandates a Business License.

Without demanding a Business License, she understood that Airbnb sends the State of Utah a lump sum that is not broken down by geographic location.

Mr. Tingey reported that several public comments were received online prior to the meeting from Diane Forester-Burke, Audrey Pines, Kimberly Simons Krahn, and two related to sports courts. All comments would submitted and made part of the record.

Dave Berry commented that the starting point regarding Tavaci should be to ask if the City would not approve the subdivision previously, how can it be incorporated into the City without being in compliance. He was present for the Work Session when earthquakes were discussed. Sloping and landslides on property adjacent to Tavaci were of concern. He considered it to be unsafe and stated that the north side is even more at risk due to the way rocks are slanting. Both he and his wife are geologists with master's degrees and they believed the boulders will come down. Other effects in addition to an earthquake would become the responsibility of the City which will be unable to get emergency equipment to the area should the bridge collapse.

There were no further public comments. The Citizen Comment period was closed.

5.0 PUBLIC COMMENT

5.1 Danish Oaks Drive Rezone – Introduction by Community and Economic Development Director, Michael Johnson.

Mr. Johnson presented the Staff Report and stated that the above matter is a rezone request for property located at 7980 South Danish Oaks Drive. The applicant applied for a Zoning Map Amendment to rezone 0.45 acres of property from RR-1-21 (Rural Residential Single-Family) to R-1-10 (Residential Single-Family). In addition to owning the subject property, the applicant owns the adjacent parcels to the north and west and would like to consolidate all three to construct a home on the resulting property. Prior to 2019, much of the subject property was owned by one large family estate. Two of the applicant's parcels are zoned R-1-10, while the subject parcel is currently zoned RR-1-21. Lot consolidation requires unilateral zoning across all parcels being combined and as such, the applicant has applied for the Zoning Map Amendment. Both Staff and the Planning Commission recommended approval.

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

5.2 Sports Court Proposed Ordinance – Introduction by Community and Economic Development Director, Michael Johnson.

Mr. Johnson presented the Staff Report and stated that the above item pertains to the proposed Sports Court Ordinance. In September 2023, the City Council voted to impose a moratorium on outdoor sports courts over 500 square feet in size. The issue was raised with residents regarding the impact of noise, lighting, and fencing. The moratorium restricts the issuance of permits for a maximum of six months. He confirmed that the moratorium will be lifted in March 2024. The City Council directed Staff to refrain from singling out pickleball as a specific use, which means

they are to regulate the structure rather than the use. The first draft presented to the Planning Commission included the following:

- Regulate all outdoor sports courts over 500 square feet.
- Require a Permit for court, lighting, and fencing.
- Require a signed Affidavit acknowledging noise regulations.
- Impose the following setback requirements:
 - Without mitigation – 150 feet from property lines.
 - With sound analysis and mitigation, there should be no minimum setback as long as the sound is 65 dB or less at the property line.

Mr. Johnson reported that there were multiple discussions with the Planning Commission who provided positive feedback regarding the approach, drawbacks, and concerns. Public input was received throughout the process as well. The Planning Commission deliberated and presented the following modifications:

- Applicable to all outdoor non-building structures over 500 square feet in size.
- Building Permit is required for such structures.
- Signed Affidavit at time of permit that is recorded against the property.
- Eliminate Noise Study requirement.
- Same minimum setbacks as Accessory Structures.
- Add Noise Violation to Nuisance Ordinance.

The Planning Commission recommended unanimous approval with the suggested changes. Staff was to have a full draft published within one week that will be posted online for public review prior to a vote being taken.

Mayor Weichers opened the public hearing.

Don Smart likes pickleball but stated that it violates the 65 dB level. He asked why the City would require an Affidavit if it is already known that pickleball violates the Salt Lake County and City Ordinance. He questioned how the violation will be enforced to make sure that the resident complies with what has been put forth in the Ordinance. Many studies have found that to minimize sound, pickleball must be played 600 feet from the property line. He believed that only requiring a distance of 100 feet from an existing property line will bring additional problems. He commented that there are health issues associated to having a neighboring pickleball court. He appreciated the efforts of the City and Staff but stated that it ultimately falls on enforcement. He questioned the wisdom of having one neighbor be a policeman over another. He felt the responsibility lies with the homeowners putting in the sports courts.

David Berry did not understand why the Noise Ordinance Study requirement had been removed. He believed the City should require a Sound and Design Engineer to certify that the design is such that it will not exceed 65 dB at the fence line. He was unaware of any study that shows that the level will be lower than 65 dB if within 100 feet of the fence line. He asked how the City approves Building Permits when they know there will be a violation. Multiple Apps can measure decibel

levels and if a statute is enacted, he suggested it state that a neighbor may use an App to send the Ordinance violation to the City's Code Enforcement Officer to be used as valid and irrefutable evidence of the noise. He believed that if a neighbor can record the noise and submit it as evidence, it can be admissible in Court.

Mayor Weichers stated that pickleball has not been singled out largely due to other types of uses that exceed the 65 dB level. Mr. Tingey noted that public comment was received from Dan and Maureen Egan that would be submitted and made part of the record.

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

6.0 ACTION ITEMS

6.1 Consideration of Ordinance 410-A Approving the Re-zone of .45 Acre of Realty Located at 7980 South Danish Oaks Drive from Rural Residential Single Family (RR-1-21) to Residential Single Family (R-1-10) and Amending the Zoning Map. (This Ordinance will Approve Rezoning the Referenced Parcel of Realty from RR-1-21 to R-1-10 and will Amend the Zoning Map Accordingly).

MOTION: Council Member Holton moved to APPROVE Adoption of Ordinance 410-A a Re-zone of .45-acre of realty located at 7980 South Danish Oak Drive. Council Member Newell seconded the motion. Vote on Motion: Council Member Holton-Yes, Council Member Birrell-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Mayor Weichers-Yes. The motion passed unanimously.

7.0 CONSENT CALENDAR

7.1 Approval of the Minutes of the City Council Work Session and Business Meeting Minutes of February 6, 2024.

MOTION: Council Member Newell moved to APPROVE the Minutes of the City Council Work Session and Business Meeting of February 6, 2024. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

8.0 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 8:09 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council and CDRA Work Sessions and Business Meeting held Tuesday, February 20, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: March 5, 2024