

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, SEPTEMBER 10, 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 Shawn Newell, Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Ellen Birrell

Staff Present: City Manager, Jared Gerber; City Attorney, Shane Topham; Records, Culture, and HR Director/City Recorder, Paula Melgar; Community and Economic Development Director, Michael Johnson; Unified Fire Authority Assistant Chief, Riley Pilgrim; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; Public Works Director/City Engineer, Matt Shipp, Associate Planner/Sustainability Analyst, Ian Harris

1.0 WELCOME

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

2.0 UTAH RECYCLING ALLIANCE – Spring Recycling Event – *President Jill Fletcher and URA Representative Robi Overson.*

Mayor Weichers reported that this past spring, the Utah Recycling Alliance (“URA”) held an event at City Hall. URA President, Jill Fletcher, and URA Representative, Robi Overson, were both present to share information about the event. Mr. Overson explained that URA is a non-profit organization and Ms. Fletcher is on the Board. Mr. Overson is the lead for the Collection of Hard to Recycle Materials (“CHaRM”) event. CHaRM is an event that is offered to communities that are interested in participating. It allows residents to bring in materials that are recyclable but are not necessarily suitable for blue bins. The event in Cottonwood Heights was held on June 8, 2024.

Mr. Overson reported that the URA collected 4,016 pounds of material in three hours, including 900 pounds of scrap metal, 766 pounds of electronics, 740 pounds of tires, and 600 pounds of mattresses. Some of the items collected include batteries, bicycles, carpet padding, cell phones, e-waste, ink and toner cartridges, lightbulbs, metal, snowboards, ski gear, Styrofoam, and tires.

75 total vehicles participated in the CHaRM event. Of those 75 vehicles, approximately 68% were from the Cottonwood Heights area. Participants donated \$202 in total to assist URA in paying for related disposal fees. 44% of participants heard about the event through various marketing channels. Approximately 15 people participated in a survey where several questions were asked. Based on the feedback, there was a positive response to the event and there was interest in seeing the event occur at least once a year in the community. Approximately half of the respondents wanted to see the event held twice a year. Ms. Fletcher added that there was excitement about the event location, as CHaRM is normally held in Salt Lake City.

Mr. Overson explained that community members want to know if there is an outlet for material that is recyclable, but there are some questions about how to appropriately recycle. URA wants to provide a single-solution outlet. Mayor Weichers asked about the zip codes in the City that participated in the CHaRM event. Ms. Fletcher stated that there were participants from zip codes 84047 and 84093. 24 participants came from zip codes outside of Cottonwood Heights. Council Member Shawn Newell wanted to know how often the events are held. Ms. Fletcher reported that there was one held last weekend where approximately 90 vehicles participated. She stated that four to six CHaRM events are held per year. Council Member Ellen Birrell appreciates that this was brought to Cottonwood Heights and expressed her enthusiasm for the program. She suggested rotating the event around the region. For example, it could be held in Holladay in the fall and in Cottonwood Heights in the spring. The costs could be shared that way.

Ms. Fletcher stated that the event makes it possible to speak to the community about how to recycle properly. Mr. Overson explained that the intention is for this to be a consistent event in the area. It can be used as an opportunity to educate the public. Council Member Matt Holton asked for additional information about the items that were brought in. He wondered whether it would be possible to contract with Wasatch Front Waste and Recycling so some hazardous items can be brought in conjunction with an event like this. Ms. Fletcher stated that there would need to be work with the Salt Lake County Health Department on something like that because they are the ones who handle hazardous waste. Mr. Overson noted that relationships are being developed with different recyclers and vendors to determine what materials can be accepted and where those materials can be taken. Ms. Fletcher pointed out that some people brought paint to the event and were asked to take it to the hazardous waste facility in Sandy. Certain materials are not accepted.

Council Member Newell asked for a list of recyclable items, as it could be posted on the Cottonwood Heights website. It was confirmed that this will be shared. Ms. Fletcher reported that a summary sheet was provided to the City Council. There can be discussions about further partnerships in the future. Mayor Weichers stated that it will be added to the Work Session agenda.

3.0 REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.

The Business Meeting agenda was reviewed.

Mayor Weichers reported that Records, Culture, and HR Director/City Recorder, Paula Melgar, has accepted a position with a different city and will move on from Cottonwood Heights. He thanked Ms. Melgar for her dedication to Cottonwood Heights and noted that she will be missed. Mayor Weichers asked Ms. Melgar to recite the Pledge of Allegiance during the Business Meeting.

After the Citizen Comment period, there are five Action Items. The first is Consideration of Ordinance 421 – Amending Title 19 of the Cottonwood Heights Code of Ordinances. Community and Economic Development Director, Michael Johnson, explained that this is a text amendment for yard elements. Every quarter, some of the common questions and calls received by City Staff are considered. There is then a text amendment process to clarify portions of the ordinance. This amendment is mainly focused on yard elements. For example, whether a permit is needed to build a gazebo, an arbor, or a planter bed. A summary of the proposed changes was reviewed at the last

meeting. The item is now being brought back to the City Council for action. It has been through the Planning Commission process already and the Commission recommended approval.

The next action items on the Business Meeting agenda are Consideration of Resolution 2024-58 - Declaring Certain Property Surplus and Consideration of Resolution 2024-59 – Declaring Police K-9 “Odie” Surplus and Authorizing Sale. Police Chief, Robby Russo, reported that there are a variety of handguns and those are being reduced to a single caliber. There is a desire to be uniform. The proposal is to surplus certain weapons and trade them in for new-generation guns. He explained that shot placement and speed are important. The weapons will have a new sighting system on them. The proposal is to declare 19 weapons surplus, trade those in, and then make the necessary upgrades. Additional information was shared about the new weapons that are desired. As for Resolution 2024-59, he explained that the average working life of a dog is seven or eight years. Odie is now seven and a half years old. With this kind of surplus, the animal is normally put with the family already in place, as there is no desire to remove the animal from the family. However, in this case, Odie has had a few different handlers and will be with Chris McHugh.

Consideration of Resolution 2024-60 – Approving and Ratifying a Bid and Awarding a Construction Contract for the Banbury Road Crossing Project was discussed next. Public Works Director/City Engineer, Matt Shipp, shared information about the agenda item. Before doing so, he informed the City Council that he received notification yesterday via email from Safe Streets and Roads for All (“SS4A”) that a planning and demonstration grant was received for \$400,000. Paperwork is being done for the grant. However, the implementation grant was not received.

Mr. Shipp explained that the crosswalk associated with Resolution 2024-60 is at Bywater Park on Banbury Road. It is a raised crosswalk and is designed so it will go east of the access road that goes into Bywater Park. Additionally, the project includes a sidewalk along the south side of Banbury Road. He reviewed a map of the area for reference as well as the construction drawings. The raised crosswalk is roughly 26 feet across with a 4-foot walkway on top. In the middle, there are two islands with trees planned. One of the purposes is to allow safe passage for residents who would like to access the park, but another purpose is traffic calming. Vehicles will need to slow down quite a bit to move through this area. There will also be flashing beacons. The idea is to have an enhanced pedestrian-raised crosswalk, so it is possible to move from the south side to the park. This is the first crosswalk of its kind in the City and a lot of thought was put into the location. Due to the location, no storm drain or modification to an existing storm drain is needed. This can be considered for all of the parks in the City moving forward based on the results seen.

If the City Council is supportive of moving forward with the project, the contract can be approved during the Business Meeting. Mayor Weichers asked if moving the location east or west could have storm drain implications. Mr. Shipp explained that the proposed location is the ideal location, as it is a high point, and the water will shed and go east and west to the stormwater system. In a different location, if it was a low spot that was selected, there would be some modifications needed.

Council Member Birrell shared a diagram with Council Members. At the Bywater Park open house held last fall, parents with children in the area spoke to her about the park and how the children access it. Those parents wanted to understand why there cannot be a crosswalk somewhere so the children can cross the street and enter the park safely. The crosswalk that has

existed for many years has been where Brighton Way comes into Banbury. She is supportive of a raised crosswalk and thinks that is exciting, but she would like there to be consideration of how the City can serve the children and all pedestrians trying to access this park. Council Member Birrell pointed out Walnut Way on a map of the area. There is a severe dip in the road there that naturally slows down vehicles. Mr. Shipp asked whether the proposal from Council Member Birrell is to have two crosswalks in place of flashing lights and a sidewalk. This was confirmed.

Council Member Suzanne Hyland asked if there is an existing sidewalk on the north side. Council Member Birrell confirmed this but pointed out the location on the north side that is without sidewalk. Council Member Birrell acknowledged the potential stormwater issues mentioned by Mr. Shipp earlier but believes there might be another option that will address the safety of residents. Council Member Holton asked for insight about what will work in this area. Mr. Shipp explained that the type of crosswalk that has been proposed by City Staff works. He built four of them through a park in Highland when he was the City Engineer there. Traffic was slowed down drastically through the park area, which made it extremely safe for pedestrians to cross. When speaking about traffic calming, it has to do with the comfort level of drivers. Typically, a driver in a neighborhood will remain at the posted speed limits, but in open stretches, speeds tend to increase. As far as the proposal, the sidewalk will work to address connectivity within the City.

Discussions were had about pedestrian walking patterns. Council Member Holton pointed out that people will jaywalk in all sorts of places, but the crosswalk will provide a safer passage. Council Member Birrell is supportive of the islands with the trees. However, as far as the flashing light in a place where the vehicles should only be 25 miles per hour, she has some concerns. She would love to see a bid that includes the island with the trees but without flashing lights. It could include a bid for one raised crosswalk and one standard crosswalk near the dip in the road. Speed is a major factor when it comes to pedestrian safety. The Public Works Department proposal is beneficial for those living to the southwest, but for those who live to the southeast, there is not a safe route to reach the park. On a hot and sunny day, pedestrians will not walk on a sidewalk that is on the opposite side of where they are trying to go. Council Member Newell liked the idea of lights for increased safety. Having sidewalks to better connect the City is also critical.

Mr. Shipp noted that there was a question about the corner of Brighton Way. He explained that presently there is a three-way stop. There are a few reasons the intersection was chosen to move down somewhat. The first is due to that three-way stop, as it is very much a roll-through stop. Driver behavior needs to be taken into account. In addition, there is no ADA access from one side of the road to another side of the road. It runs into a curb, so the crosswalk would have to be upgraded and would have to be moved down away from the radius to make it ADA-compliant. Mr. Shipp clarified that this kind of work can be done, but it is a matter of the design and cost.

Mr. Shipp further reviewed a map of the area and pointed out some of the nearby neighborhoods. Council Member Birrell explained that she is in favor of the creation of a foundational standard. It is possible to phase in additional items when possible. She reiterated that there is a dip in the road where vehicles must slow down considerably in order to avoid harming the bottom of their vehicles. Utilizing the conditions that already exist there could be beneficial. Council Member Birrell reiterated her concerns about safety for all pedestrians. She wonders whether it is possible to do more with the funds. Council Member Newell asked for information about pedestrian

accidents. Chief Russo reported that he can obtain exact numbers, but based on his recollection, that has not been an issue in the area. Council Member Birrell feels strongly that directions given through SS4A need to be considered. She noted that there may be undocumented near misses.

Mayor Weichers reported that the next item on the Business Meeting agenda is Resolution 2024-61 – Approving an Interlocal Cooperation Agreement with Salt Lake County for the “Health in the Heights” Coalition. Mr. Johnson explained that this is an agreement that provides access to the funding. It is up to three years of up to \$94,500, plus the potential for an additional matching source of \$10,000. Council Member Hyland asked if there will be a full-time or part-time position. It was clarified that it will be a part-time position. Council Member Hyland pointed out that Exhibit 1 and Exhibit 2 in the contract are not included. She also had a question about Section 9 and Section 12 and asked why a reference was made to Samantha DeSeelhorst. Mr. Johnson clarified that Ms. DeSeelhorst applied for the grant and that is likely why her name is included in the text. He confirmed that the reference can be changed before the item is voted on by the Council.

Council Member Birrell noted that the coordinator selected is important. It was recommended that the selection process be overseen by the Salt Lake County staff rather than be chosen by the contractor. She would like the language to be amended to ensure that whoever guides this process is the right person for that position. It was noted that there will be interviews on Thursday and both the County and City Manager will be involved. Council Member Birrell believes the structure put in place is important to think about. She reiterated that she would like to see an amendment made. Discussions were had about the hiring process and the language currently proposed. Council Member Holton believed the City Manager should decide what resources he needs to make an appropriate decision. It is the role of the City Manager to ensure the correct decision is made. He does not believe details about the review process need to be stipulated in the language.

City Attorney, Shane Topham, pointed out that the agreement can be terminated by either party without cause with 30 days’ notice to the other party. If something is not working properly, that would be a way to address the issue fairly quickly. Council Member Birrell noted that foundationally, this will be different than the other citizen committees in the City. She wants to ensure that it is set up correctly. Council Member Holton pointed out that heavy-handed decisions will not be made without the Council. As long as an appropriate person is hired, there is a 30-day option to terminate the contract, and the Council can act if it is believed a certain path is not in the best interest of the City, he is comfortable voting on the item during the Business Meeting.

Council Member Birrell is not comfortable voting in favor of the item without seeing Exhibit 1 and Exhibit 2. It was noted that those are the application and details of the application form. Council Member Birrell stated that nothing speaks to how the coalition will be set up. Mr. Johnson explained that it is not intended to. The agreement simply gives the City the financial resources to start that process. It was noted that there can be additional discussions at the Business Meeting.

4.0 STAFF REPORTS

4.1 Wasatch Front Regional Council Project Discussion and Timeline (Continued) – Public Works Director/City Engineer, Matt Shipp.

Mr. Shipp reported that at the August 20, 2024, City Council Meeting, City Staff presented a preliminary report on the Wasatch Front Regional Council (“WFRC”) process for submitting projects for consideration of Federal funding. An email was sent out to Council Members listing the project ideas that were submitted. The intention is to now deliberate on projects that the Council, with a majority consent, can ask City Staff to apply for with Letters of Intent. At the next City Council Meeting on September 17, 2024, he will ask the City Council to make a final decision on the projects there is a desire to submit with the Letters of Intent. He noted that during the August 20, 2024, City Council Meeting, he presented three projects for the Council to consider.

A list of WFRC project recommendations was shared. It included the three projects proposed by City Staff and the projects proposed by Council Members. Council Member Hyland noted that there are issues associated with Highland Drive and Fort Union. She thinks that a concrete barrier on the south side of the intersection of Highland Drive and Fort Union Boulevard would be worthwhile. The City can see what it does to move traffic through the intersection. She would rather see a barrier there, followed by an observation of the impact before expansion to three lanes is contemplated. Mayor Weichers noted that he has seen the traffic backup there on a Saturday. Council Member Holton shared additional information about backups and neighborhood impacts.

Additional discussions were had about the concrete barrier. There was a desire to look into the concrete barrier as well as the three lanes to determine what might be the best path forward. Council Member Hyland asked how the barrier and the lanes could be engineered. Mr. Shipp explained that there are two difficult sections, including the area around Starbucks and across the street. He reported that on the east side of Highland from Bengal to Fort Union, there is a project that will start in two years for the 10-foot bicycle path and pedestrian trail. It is possible to do something in conjunction with that because property will already need to be purchased for the trail system itself. Council Member Holton believed a project like that would impact a large portion of Cottonwood Heights. He feels the discussions should be prioritized.

Council Member Birrell read information from the subcommittee on active transportation. Their comment stated that increasing traffic lanes will induce further demand for drivers. By the time the lane is finished, it will not relieve traffic in the way that is desired. The subcommittee wants to understand how this fits into the Master Plan and the sustainability goals of the community, including promoting multi-modal transportation. The subcommittee has discussed how Cottonwood Heights is already built out. This is a prime example of a place where it is possible to add a buffered space for all users with a landscaped median separating the road from other users.

Mayor Weichers asked what Mr. Shipp is looking for specifically from the Council. Mr. Shipp explained that time has been allotted to have discussions about the various items on the list. There is another discussion scheduled to take place at the September 17, 2024, City Council Meeting.

It was noted that some Council Members were supportive of the Highland Drive project. Council Member Birrell stated that she is opposed to the project. While she supports the medians to stop the left-hand turns, she does not support the widening of Highland Drive with additional vehicular lanes. Mr. Shipp informed the Council that as many Letters of Intent can be submitted as desired, but he likes to see it between three and five due to the time it takes for City Staff to put it all together. Council Member Birrell asked whether the Council needs to know which of the grants available aligns with the type of projects being forwarded by the City. Mr. Shipp explained that the ideas will be categorized, but more than one project proposal can be submitted for a grant.

Council Member Holton stated that he is interested in the crossing at Mountview that was discussed at the last meeting. It is a high-traffic area. Mr. Shipp reminded those present that the discussion had to do with moving the flashing crosswalk to the west making it a HAWK signal and extending the bicycle track further west. Chief Russo noted that the area by the Mountview Park can be dangerous. Mayor Weichers wondered how to make the area safer. Mr. Shipp explained that this can be done by improving the crossing and focusing on various traffic calming measures. Mayor Weichers believes there is support for moving the crosswalk. He asked that some traffic calming measures near the park be considered and shared at a future meeting.

Council Member Birrell was interested in hearing about the area east of the project that was put forward in SS4A but was declined. On the 0.4 miles from that gas station convenience store on the north side of Bengal and approximately 2700 East going eastward, there is a curve, it is 30 miles per hour, and there is no sidewalk. Though this area is not in her district, she feels strongly that this is something to consider. She wonders whether other Council Members are interested in submitting something related to that section of Bengal Boulevard. Mr. Shipp reported that this section of Bengal Boulevard is not on the long-range plan, but it is still possible to apply. He pointed out Pamela Drive on a map and explained that this is where the sidewalk ends. It is dangerous for bicyclists and pedestrians. There is a lot of room for improvement in the area.

Mayor Weichers asked what kind of grant would be applied for in that case. Mr. Shipp explained that it would depend on what the focus was. For example, if the focus was only on the bicycle track, sidewalk, curb, and gutter, it could be a smaller project. Council Member Birrell pointed out that there are not a lot of driveways in that section. There was a concern expressed about how it might impact residents and their ability to park there, but the houses with driveways have long driveways. The need for on-street parking on the north side of the road there is limited. Mr. Shipp believed there are options in that area. He reminded Council Members that these discussions are intended to determine Letters of Intent. Council Member Hyland believes there is agreement that this is the pedestrian and bicycle corridor due to the schools and the Recreation Center.

Council Member Birrell wanted to hear about the Danish Road idea. There are two small sections that impact eight or nine residents in terms of their properties. All of the residents she has spoken to in her district have stated that they want vehicles to drive 25 miles per hour. She is curious to know whether the Council has an interest in seeing the preservation of the Danish Road, south to Creek Road, to Alta Hills, to remain narrow and slow in order to maintain the charm of the tree canopies that go over portions of that street. There could be a monolithic sidewalk, which would likely have greater appeal for a grant than a continuation of the standard 4-foot sidewalks.

Mr. Shipp shared additional information about that proposal. Danish Road in the Recreation Trails Program (“RTP”) does have on it a bicycle track as long-range. The question is whether the Council and residents are willing to have a 10-foot trail but have it next to the curb and gutter as opposed to having a buffer between them. Council Member Birrell has spoken to almost all of the affected residents already. They understand that their neighbors and friends want continuous sidewalk and are willing to meet with the City to discuss what might make sense in the area.

Mayor Weichers asked that information be shared about the Danish Road pilot program. Mr. Shipp reported that interactive speed limit signs are there and those record all speeds on that road as well as the volumes of traffic. There are two sets of temporary speed tables that will be in this month. The intention is to install those before winter and run the data before and after to verify the numbers and understand how those speed tables impact the numbers. He explained that the speed tables will go all the way across the road. It is similar to the ones north of Creek Road.

Council Member Birrell wondered whether smaller speed tables would be better, as those are disruptive to motor vehicles rather than bicyclists. Mayor Weichers pointed out that some vehicles will drive around the smaller ones. Council Member Birrell explained that she is not in favor of speed tables that go all the way across the roadway. Mr. Shipp reminded her that it is a test pilot to see if it slows vehicles down. There will be real-time data to compare before and after. If it is something that the City wants to pursue further, there can be discussions about a permanent design.

Council Member Hyland pointed out that there is no desire to see Danish Road become an alternate route for Wasatch Boulevard ski traffic. She is in favor of keeping it small and narrow. Discussions were had about 2300. It was noted that a list of the potential projects will be sent out to Council Members. Council Members can then rank the list based on priority. At the next City Council Meeting, the Council can have additional discussions based on the ranked results.

4.2 Sustainability Update – Community and Economic Development Director, Michael Johnson and Associate Planner/Sustainability Analyst, Ian Harris.

Mr. Johnson explained that the intention is to provide the City Council with an update on the last year and a half of sustainability projects based on previous Council direction, budget allocations, and sustainability-related ordinances. Associate Planner/Sustainability Analyst, Ian Harris, reviewed some sustainability project updates with the Council, which included the following:

- Sapling Sale:
 - Held April 20 and 21, 2024. Over 100 trees were sold, and the remaining trees were planted in City Parks and at Canyons School District schools. This will contribute to the City's ability to obtain Tree City USA status.
- Mountview Park Pollinator Garden:
 - The City has collaborated with Motts Landscaping on extensive weeding, mulching, and planting in the park. Staff is currently working with VODA Landscaping on signage for those pollinator plants and assessing future steps.
- Sustainability Communications:

- Staff has coordinated to establish monthly newsletter articles and to extensively promote sustainability initiatives, programs, and events inside and outside the City. Staff is currently working to improve handouts, website information, and the goal is to ultimately host a sustainability seminar series at City Hall.
- Hard to Recycle Event:
 - Held June 8, 2024, by Utah Recycling Alliance ("URA") at City Hall. URA will provide more information and future partnership opportunities.

Discussions were had about the sapling sale. Council Member Hyland wondered whether the two days were necessary or if it could be consolidated into one day in the future. Mr. Harris reported that most came within the first few hours, so it would be useful to condense that next time. There have also been discussions about a pre-order system so those interested can simply come and collect on that date. Mr. Johnson noted that the second day of the sale was slower than the first. Mr. Harris shared some images of the trees that were planted in City parks as a result of that event. Council Member Newell liked the idea of pre-orders and thought that would be successful.

Mr. Harris next shared photographs of the Mountview Pollinator Garden for reference. There is still some work that can be done in the future, so there are potential next steps. Council Member Birrell asked if there will eventually be pathways through this. Mr. Harris clarified that pathways exist currently. The photograph illustrates the central area where the pathways lead to. Mr. Johnson added that the Arts Council oversaw the repainting of the mural within the park. The mural has a pollinator theme. The pollinator garden idea came out of a recommendation from the Parks, Trails, and Open Space Committee, so different Committees and Councils were involved.

Council Member Birrell asked about sustainability communications and referenced the Community Block Party event. She wondered whether there is an openness to hearing ideas for that event about to sustainability and some of the current initiatives. Mr. Johnson confirmed this. The programming for that event is still underway, so ideas for the event are welcome. Council Member Birrell offered to speak to him about some suggestions that have been shared so far.

Mr. Johnson reviewed information about the rain barrel program that is hosted by the Utah Rivers Council. It is their event, but Cottonwood Heights assists, and the City subsidizes some of the rain barrel purchases. This further discounts the rain barrels for City residents. This is the third or fourth year that the City has participated in that event. It is always very popular. Council Members shared additional comments about rain barrels and discussed how those can be used on properties.

Mr. Harris next discussed electric vehicle ("EV") charging. In 2023, City Staff received direction from the Council to draft EV-ready and bike parking ordinances for new developments. After an initial round of research, City Staff was notified of an opportunity to partner with Utah Clean Energy to assist in researching and drafting EV ordinances with a small cohort of other Utah counties and cities: Ogden, Moab, Summit County, and Millcreek. Comparable cities have adopted similar requirements: Park City, Salt Lake City, Broomfield, CO, Flagstaff, AZ, and Avondale, AZ. Mr. Harris reported that EVs are becoming more common as are charging stations. He shared a graph that illustrates the fact that EV sales are continuing to grow in the United States.

When it comes to the installation of EV charging equipment, some graphs were shared from Utah Clean Energy to show the cost savings there can be when parking stalls are constructed to be EV-ready. Mr. Harris clarified that this means having circuitry wired to them rather than having the charging equipment installed. There can be savings when the stalls are ready for the equipment rather than trying to wire it after the fact. The parking stalls at City Hall were EV-ready, and when it came time to install those chargers after the fact, there were some associated cost savings.

Mr. Harris reported that there are three different types of EV charging stations:

- Level One:
 - 120-volt. 3 to 5 miles of range per hour. Very slow, usually used for topping up small amounts overnight or over a weekend.
- Level Two:
 - 208-volt to 240-volt. 12 to 80 miles of range per hour. Fast, can charge a car from empty to full within a few hours or overnight.
- Level Three:
 - 480-volt to 1,000-volt. 3 to 20 miles of range per minute. Fastest, but comes with downsides. Often financially impractical.

With some of the standards, the proposal is to focus on a Level Two EV-ready requirement rather than a Level One or Level Three. Mr. Harris reviewed some potential standards for residential EV charging. For multi-family, it would be that 30% of required stalls must be Level Two EV-ready. This would only apply to multi-family dwellings, which are three or more units. As for single-family and two-family, the potential requirement would be a 240-volt outlet in private garages for new construction, only in the primary garage. Language has been seen in ordinances in other cities that require EV readiness in private garages, so there might be an opportunity to adopt it into the Cottonwood Heights code. However, there can be additional research done.

For commercial EV charging, the recommendation from Utah Clean Energy was to have 20% of required stalls be Level Two EV ready in new commercial developments, with 5% having a Level Two charging station installed. For hotels and motels, the recommendation was to require 25% of the stalls to be Level Two EV-ready with the same 5% requirement for the actual chargers.

Mayor Weichers can see some value in a developer deciding to add in these EV-ready stalls or to install a certain number of chargers. That amenity might attract more people to the site. That being said, he would have a difficult time making installation a requirement. Council Member Birrell asked what hotels are currently choosing to do in the market. Mr. Harris explained that based on the research from Utah Clean Energy, EV is where the market is heading, but some cities are working towards drafting specific standards. Discussions were had about hotels in the area.

Council Member Birrell believes it might be a benefit to the City to be known as a place that is sustainable and is known for having ordinances in place to guide new development. Public policy can send a positive message and potentially even attract higher-end hotels and guests. Cottonwood Heights could be seen as a City that is setting sustainability standards. She is not in favor of seeing EV chargers in every place of business, but with apartment complexes, something like that could

be subsidized by the City or there could be support from the development community. She would like to see the new multi-family developments include the 30% requirement that is proposed.

Mr. Johnson reported that the new Ivory Homes multi-family building on the west end of the City has EV chargers installed within the garage of each building. Mayor Weichers pointed out that the developers made that decision, but it was not something that was required by Cottonwood Heights. Council Member Holton shared information about Leaders For Clean Air. While he wants to consider the proposed standards more, he is more likely to support EV-ready, so if there is that demand in the future, entire parking structures will not need to be ripped up. However, he is in opposition to requiring the actual installation of chargers. Mayor Weichers could see there being incentives offered, but he is struggling with the idea of there being requirements.

Council Member Hyland asked who would pay for the charge in these scenarios. Mr. Harris explained that this would be up to the property owner to determine. Council Member Hyland reported that there have been multiple articles released in the last few months about how EV sales are starting to slow. Council Member Birrell stated that this is the reason public policy is so important. She pointed out that there is ozone pollution that is directly tied to automobiles.

Council Member Holton believes there needs to be a careful balance between allowing something to be there and forcing something to be there. Council Member Birrell noted that the City Council is responsible in governance for the health and safety of the citizens. There are air pollution problems along Wasatch Front already and it is the responsibility as government leaders to consider how to protect the safety, health, and well-being of the citizens in Cottonwood Heights.

Mr. Harris shared additional considerations proposed for EV, which include the following:

- ADA:
 - For ADA stalls, the percentage of EV readiness must match the requirements of the entire project. For example, 30% for multi-family residential.
- Site Design and Maintenance:
 - General language about keeping charging units in good condition;
 - General language about including a protective element at the charging site (bollards, pedestal, etc.)
- Cost of Charging:
 - No requirements or limits on how the property owner determines payment for EV charging for the consumer.
- Applicability:
 - New construction and alterations where the work area exceeds 50% of the original building area or more than 10 parking spaces are modified.

Mr. Johnson believed that based on Council Member feedback, there is a desire to look at where the market is headed. City Staff can explore whether there are ordinances that have incentives. After additional research is conducted, it can be brought back to the City Council for consideration.

Mr. Harris next shared information on bicycle parking. The proposal is to codify the bicycle parking requirements that are found in the Form-Based Code draft, to be utilized City-wide for new development. He clarified that this would only apply to new commercial development and multi-family development. There is language in the Form-Based Code draft about what bicycle parking facilities standards are and there is a table about the ratio for that bicycle parking.

Council Member Birrell asked about the number of bicycle parking spaces that would result in an average retail space. Mr. Harris explained that it depends on the size of the retail space. Council Member Birrell expressed support for what is contemplated. Walkability and active transportation is important for the community. She would love there to be some brainstorming done about how to incentivize existing businesses to be more pedestrian and bicycle-friendly as well. Mayor Weichers would lean towards there being incentives for bicycle parking rather than requirements.

5.0 REVIEW OF CALENDAR AND UPCOMING EVENTS.

- 5.1 September City Hall Lobby Art Exhibit – Artists: Deborah Day and Jack Khachatryan.**
- 5.2 Block Party at Hillside Plaza will be Monday, September 30th from 5:30 p.m. until 7:30 p.m. at Hillside Plaza (tentative time).**
- 5.3 Arts Council Hallo-Ink will be held October 1st through the 31st. This is an Online Social Media Pen and Ink Daily Drawing Tutorial.**
- 5.4 Mayor’s Town Hall will be Tuesday, October 8th from 6:00 p.m. until 8:00 p.m. at the City Hall Cullimore Room.**
- 5.5 Monster Mash will be held Friday, October 25th from 5:00 p.m. until 7:00 p.m. at the Cottonwood Heights Recreation Center, located at 7500 S. 2700 E.**
- 5.6 November Elections: Early voting: October 28th through November 1st from 2:00 p.m. until 7:00 p.m. at the City Hall Cullimore Room.**
- 5.7 Election Day: November 5th from 7:00 a.m. through 8:00 p.m. at the City Hall Cullimore Room.**
- 5.8 Light the Heights will be on December 2nd from 5:00 p.m. until 7:30 p.m. at the City Hall Cullimore Room.**

The calendar items were reviewed and discussed. Ms. Melgar added that the Arts Council Holiday Show will be held on December 6, 2024, at Bulter Middle School from 7:00 p.m. to 8:30 p.m. It was noted that there is a meeting date change for the City Council Meeting in November.

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

MOTION: Council Member Birrell moved to CLOSE the Work Session and OPEN the Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual. The motion was seconded by Council Member Holton. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Session from 6:07 p.m. to 6:50 p.m.

7.0 ADJOURN CITY COUNCIL WORK SESSION.

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

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

MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY AND DEVELOPMENT RENEWAL AGENCY (“CDRA”) MEETING HELD TUESDAY, SEPTEMBER 10, 2024, AT 6:30 PM IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

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

Staff Present: City Manager, Jared Gerber; City Attorney, Shane Topham; Records, Culture, and HR Director/City Recorder, Paula Melgar; Community and Economic Development Director, Michael Johnson; Unified Fire Authority Assistant Chief, Riley Pilgrim; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; Public Works Director/City Engineer, Matt Shipp

1.0 WELCOME – Chair Mike Weichers

Chair Mike Weichers called the Community and Development Renewal Agency (“CDRA”) Meeting to order at approximately 6:56 p.m. As Mayor of Cottonwood Heights, he serves as the Chair of the CDRA with Members of the City Council. He noted that there is one Action Item.

2.0 ACTION ITEMS

2.1 Consideration of Resolution 2024-02 – Electing Officers and Appointing Staff.

City Manager, Jared Gerber, reported that there have been some changes in membership on the City Council as well as to the City Manager and City Recorder positions. He noted that Resolution 2024-02 – Electing Officers and Appointing Staff lists Mike Weichers as the Chair, Shawn E. Newell as the Vice-Chair, and Jared Gerber as the Chief Executive Officer. Maria Devereux is listed as the Secretary, Tiffany Janzen as Assistant Secretary, and Scott Jorges as Treasurer.

MOTION: Board Member Holton moved to APPROVE Resolution 2024-02 – Electing Officers and Appointing Staff. The motion was seconded by Board Member Newell. Vote on Motion: Board Member Holton-Aye; Board Member Hyland-Aye; Board Member Newell-Aye; Board Member Birrell-Aye; Chair Weichers-Aye. The motion passed with the unanimous consent of the Board.

3.0 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.

4.0 ADJOURN

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

The CDRA Meeting adjourned at 6:59 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, SEPTEMBER 10, 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 Shawn Newell, Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Ellen Birrell

Staff Present: City Manager, Jared Gerber; City Attorney, Shane Topham; Records, Culture, and HR Director/City Recorder, Paula Melgar; Community and Economic Development Director, Michael Johnson; Unified Fire Authority Assistant Chief, Riley Pilgrim; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; Public Works Director/City Engineer, Matt Shipp

1.0 WELCOME

Mayor Mike Weichers called the meeting to order at 7:00 p.m. and welcomed those present.

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Records, Culture, and HR Director/City Recorder, Paula Melgar. Mayor Weichers recognized Ms. Melgar for her many years of service to the City.

3.0 CITIZEN COMMENTS

Mayor Weichers opened the Citizen Comment period.

Sejong Lee explained that he is at the City Council Meeting to ask that the City enforce its zoning laws and prohibit short-term rentals in his neighborhood. The neighborhood is mostly filled with residents who intended to make this a home for their families. Mr. Lee reported that his daughter was recently born. Prior to that, there was a lot of involvement in building the home where his family now lives. The expectation was that they would raise their daughter, and potentially more children, in this home and neighborhood. He envisioned a neighborhood with kind neighbors and children playing freely outside in relative safety. However, a few of his neighbors have decided to profit off of their homes despite the zoning laws, which prohibit short-term rentals. Renters often turn the homes into party houses with loud music, drinking, drugs, and dangerous driving.

Mr. Lee pointed out that municipal codes are only as effective as the enforcement. The ability to enforce the code is severely impaired given the unreasonable burdensome criteria and methods required for the gathering of evidence. The people who rent these homes will be coached not to reveal the nature of their stay. It is not reasonable to place the burden of gathering the necessary evidence on the impacted residents. It is the duty and responsibility of the City to effectively enforce zoning laws that exist for the benefit of the law-abiding residents. Mr. Lee asked that this matter be addressed for the benefit of the families who currently live in his neighborhood.

Nikki Balt explained that she moved here last year with her husband from the Seattle area to a new community on Danish Pine Lane. It is a street the City Council is familiar with due to the illegal short-term rentals. This is not something that she expected to be faced with in a small suburban street with brand-new homes. Her family has been shocked to find that homeowners are blatantly disregarding City Ordinances. The homeowners have been dismissive of the neighbor's concerns and complaints about the illegal operation taking place. For the past year, her family has been documenting the comings and goings of the Airbnb renters at these properties. Photographs of vehicles, license plates, and descriptions of rental groups were sent to the Code Enforcement Team.

The Code Enforcement Team has done its best to make contact with each group of renters and investigate their purpose and length of stay at the homes. Unfortunately, both homes have found multiple ways to work around the municipal code and scam the system. They require renters to sign fraudulent 30-day rental contracts in order to appear to be meeting the City requirements for rentals that are no less than 30 days. The parties involved all understand that the home will not be used for 30 days because, on Airbnb, the average rental is three to eight days. These contracts are not tied to specific calendar dates, but groupings of weeks. Ms. Balt explained that when she confronted the homeowner of one of these properties about the renters who overlapped the 30-day period, he stated that the first set of renters was his late June/early July renters, and the second set of renters was his late July/early August renters. With no specific dates on the contract, the homeowner can make it appear that 30-day periods are never overlapping. Homeowners and hosts have coached the renters not to speak to neighbors or law enforcement about their length of stay.

Over the last few months, Ms. Balt has witnessed groups of over 25 people staying in these illegal short-term rentals. This results in the street being littered with an excess of vehicles, garbage, and noise. There has also been reckless driving linked to the renters. The street is tired of the revolving door of illegal guests disturbing their daily lives. The residents want to know that their families and properties are safe, which cannot happen when there are new people every one to two weeks. Small monetary fines will not stop these homeowners, when they are charging an average of \$900 to \$1,200 per night. Both properties on her street are owned outright by the homeowners, making this pure income for them, while the rest of the neighborhood suffers the consequences. Airbnb will not do anything, despite being informed that these properties are operating illegally. Ms. Balt asked the City Council to reevaluate the short-term rental codes to further address this issue.

Joel Hochhalter stated he also lives on Danish Pine Lane. He reported that there are financial losses to the City when an illegal Airbnb takes place. A handout was shared with the Council that outlines the financial impacts of illegal short-term rentals in Cottonwood Heights. The handout has a summary with strategic recommendations to address the situation. There are currently 100 to 120 legally operated short-term rentals in Cottonwood Heights. As for illegal short-term rentals, there are an estimated 400 to 500. He shared information about the estimated annual property tax loss.

Mr. Hochhalter recognizes that there are challenges related to zoning enforcement. However, there are some possible solutions. For example, there are software tools to manage and monitor short-term rentals effectively. He reminded the Council that there are legal and ethical obligations. The

City has a duty to enforce laws and regulations to maintain public trust and avoid legal repercussions. The handout included several potential recommendations for consideration.

Runar Boman believed it was at the last City Council Meeting that he was listening to residents near the Ferguson Canyon Trailhead. There were comments shared at that time about the crowds there. When it comes to parking, there are only approximately 40 parking stalls available at the park, which is a serious problem. The popularity will only increase when the Bonneville Shoreline Trail goes in. He suggested preserving parking stalls and putting in all diagonal parking spaces instead of having some parallel parking spaces. Removing the parking stalls might be a mistake.

Kevin Hughes stated that he is a neighbor on Danish Pine Lane. The neighborhood wants everyone to adhere to the rental rules. He is there to show support for the neighbors and find a solution.

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

4.0 ACTION ITEMS

4.1 Consideration of Ordinance 421 - Amending Title 19 of the Cottonwood Heights Code of Ordinances.

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

MOTION: Council Member Newell moved to APPROVE Ordinance 421 – Amending Title 19 of the Cottonwood Heights Code of Ordinances. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

4.2 Consideration of Resolution 2024-58 - Declaring Certain Property Surplus.

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

MOTION: Council Member Holton moved to APPROVE Ordinance 2024-58 – Declaring Certain Property Surplus. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

4.3 Consideration of Resolution 2024-59 - Declaring Police K-9 “Odie” Surplus and Authorizing Sale.

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

MOTION: Council Member Hyland moved to APPROVE Resolution 2024-59 – Declaring Police K-9 “Odie” Surplus and Authorizing Sale. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Hyland-Aye; Council Member Newell-Aye; Council

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

4.4 Consideration of Resolution 2024-60 - Approving and Ratifying a Bid and Awarding a Construction Contract for the Banbury Road Crossing Project.

Mayor Weichers reported that the item was discussed during the Work Session. Council Member Ellen Birrell made a motion to table the item in order to revisit the spending on this project and to see if it is possible to include a couple of crosswalks, but still retain some of the features proposed by the Public Works Department. Council Member Birrell clarified that she supports the neighborhood byway and is excited about many aspects of the Public Works Department proposal. However, the reason she would like to table this item is to revisit and slightly revamp the proposal. She was not certain there was enough time spent deliberating and believed it could be improved.

It was noted that there is only one week before the next City Council Meeting. Council Member Suzanne Hyland pointed out that it would not be consequential to table it until that time. Public Works Director/City Engineer, Matt Shipp, explained that there will not be any fiscal consequences as a result of tabling the item to the next meeting, but he does not know what the Council would like to see in the next week that is different than what has been proposed. Mayor Weichers asked if the contract includes a start time. This was confirmed. Mr. Shipp reported that the contractor was going to start on Monday of next week, so tabling the item would delay that.

Council Member Hyland seconded the motion. The Council discussed the motion. Council Member Birrell explained a typical raised crosswalk costs \$30,000 and there is another amount for the island in the center of that raised crosswalk and for the special lighting system. Since this is an area where vehicles are supposed to be driving at 25 miles per hour, she would like to see where the criteria states that it is necessary to have a flashing light. She does not believe a flashing light is needed, especially with a raised crosswalk. Since the budget on these items is tight, instead of spending \$80,000 for one crosswalk, she suggests spending a portion of that on a raised crosswalk in a location on the west side of Bywater Park and an additional crosswalk that protects the children arriving from the east. Council Member Birrell does not believe a continuous sidewalk should be prioritized over the safety of children who are arriving from either the east or the west.

Council Member Hyland explained that there is no risk in postponing action on the item for one week if there are some additional issues that could be addressed. Safety is a concern and a crosswalk in the area mentioned by Council Member Birrell is valuable and warranted. Council Member Holton stated that he will not be voting in favor of the motion but noted that he is in support of the second crosswalk. He does not believe this is an all-or-nothing proposal. He would love to see the work proposed by the Public Works Department move forward, but also agrees that the area mentioned by Council Member Birrell is in need of a crosswalk. Trying to accomplish both is something he believes is feasible and can be the focus of the City Council in the future.

Council Member Birrell asked if there has been direction from the National Highway Safety Board or some other entity to indicate when flashing lights are recommended. For example, if there is a specific speed vehicles are traveling to indicate when those kinds of flashing lights are recommended. Mr. Shipp does not know that there is a national standard. These lights are a way

to let others know that someone is getting ready to cross at the lights. Council Member Birrell wants the City to come together on standards and prioritization to assist with these processes.

The Council expressed support to explore what has been proposed by Council Member Birrell. Mayor Weichers explained that he is willing to seriously look into the new proposal, but that he is still in favor of moving forward with the current proposal from the Public Works Department.

MOTION: Council Member Birrell moved to TABLE Resolution 2024-60 – Approving and Ratifying a Bid and Awarding a Construction Contract for the Banbury Road Crossing Project, for the opportunity to revisit the spending on this project and see if it is possible to include a couple of crosswalks, but still retain some of the features proposed by the Public Works Department. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Hyland-Nay; Council Member Newell-Nay; Council Member Birrell-Aye; Council Member Holton-Nay; Mayor Weichers-Nay. The motion failed by a vote of 4-to-1.

MOTION: Council Member Holton moved to APPROVE Resolution 2024-60 – Approving and Ratifying a Bid and Awarding a Construction Contract for the Banbury Road Crossing Project. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

4.5 Consideration of Resolution 2024-61 - Approving an Interlocal Cooperation Agreement with Salt Lake County for the “Health in the Heights” Coalition.

Mayor Weichers reported that the item was discussed during the Work Session. Council Member Birrell stated that she continues to have concerns about the agreement that has been drafted. She championed the Salt Lake County-funded coalition, but this needs to be a coalition of and by the residents of Cottonwood Heights. She appreciates the work that has been done so far by City Staff but has reservations about the actual agreement that Cottonwood Heights is entering into.

MOTION: Council Member Newell moved to APPROVE Resolution 2024-61 – Approving an Interlocal Cooperation Agreement with Salt Lake County for the “Health in the Heights” Coalition. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Council Member Holton-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

5.0 CONSENT CALENDAR

5.1 Approval of the Minutes of the City Council Work Session and City Council Business Meeting Minutes of August 6 and 20, 2024.

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

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The City Council Meeting adjourned at 7:35 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session, CDRA, and City Council Business Meeting held Tuesday, September 10, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____