

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, OCTOBER 1, 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; Deputy City Recorder, Maria Devereux; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jurges; IT Systems Manager, Matt Ervin, Public Works Director/City Engineer, Matt Shipp; Community and Economic Development Director, Michael Johnson

1.0 WELCOME

Mayor Mike Weichers called the meeting to order at 4:00 PM and welcomed those present.

2.0 REVIEW OF BUSINESS MEETING AGENDA

The agenda items were reviewed and discussed. Item 3 was the Landscape Beautification Awards. Community and Economic Development Director, Michael Johnson reported that he would introduce the program, present the winners from each district, allow the City Council to comment, take photographs, and present certificates.

Item 4 was Bond Arguments. Administrative and Financial Services Director, Scott Jurges would read the “for” argument. No “against” arguments were filed, so the Council would allow public comment specific to the bond.

Item 5 was a citizen comment period followed by the Action items.

Action Item 6.1 was Consideration of Ordinance 422, Amending Chapter 9.05 of Cottonwood Heights Code of Ordinances regarding nuisances. City Attorney, Shane Topham reported that approximately one year earlier, the Utah Legislature significantly revamped the portion of Utah Code that deals with the rights of cities to inspect and require cleaning of properties. He previously prepared an ordinance that made several changes to Chapter 9.05 regarding nuisances and abatement. He later reviewed it and made additional minor changes.

Action Item 6.2 was Consideration of Resolution 2024-65 Approving Entry into an Interlocal Cooperation Agreement with the Utah Department of Transportation (“UDOT”) for Traffic Enforcement. This item pertains to the grant received from UDOT to help enforce traction rules on Wasatch Boulevard during the ski season. On snow days, vehicles are not allowed in the canyons without chains or approved traction. This was the first year the rule would be fully enforced.

Police Chief, Robby Russo reported that Cottonwood Heights and Sandy will each receive \$180,000 and the Sheriff will receive the remaining \$40,000. The Sheriff will use the funds for overtime to staff the canyons and Cottonwood Heights and Sandy will use it primarily on traction days. They will publicize the sticker program that was initiated several years ago, which allows them to wave sticker holders through and get traffic moving up the canyon. If vehicles do not have a sticker, officers will be trained and prepared to inspect vehicles for chains or other appropriate traction control to get safely up the canyon. If they are not properly prepared, cars will be turned around. They will also work with car rental agencies to ensure that renters understand the rules.

Council Member Birrell asked if rental car agencies would be eligible for the decal program. Mayor Weichers stated that they have been made aware that if they want to rent cars to go up the canyon on snow days, they will need a sticker. Cottonwood Heights is working with UDOT on a promotional campaign. UDOT has created commercials to publicize the program and both the City and UDOT will have social media campaigns.

Council Member Birrell believed it would be helpful for UDOT to have the history of the last several years because there have been problems obtaining decals from the locations that are listed as dispensing them. She applied for a decal in early December but was unable to get one. Chief Russo was working with vendors in the City to ensure that they are on the list. Mayor Weichers commented that every tire shop has been notified and can have stickers. The ski resorts will also have them. He believes there should be enough stickers this year.

Council Member Hyland asked if \$180,000 would cover the City's costs. Mayor Weichers reported that the amount UDOT was given through the Legislature is based on a percentage and will increase each year. Council Member Hyland reported that the reporting requirements will aid Chief Russo in determining if the City is being reimbursed adequately. Chief Russo stated that they have already invested in special equipment for the officers. It can be dangerous to stand in the roadway on snow days, but they will have tents and be able to record how many cars have stickers, how many were inspected, and how many were turned around, so they can report that information to UDOT.

Chief Russo expressed gratitude for UDOT, Sandy City, and the Sheriff's Office, as well as Mayor Weichers and Senator Cullimore, who sponsored the legislation that allocated the funds. Council Member Birrell stated that they were able to justify adding the additional traffic officers last year because they assumed those funds would be available. Council Member Hyland stated that Cottonwood Heights should not subsidize the rest of the County and the City should be reimbursed for its officers' time.

Council Member Birrell asked if more than one police officer would be on duty on snow days. Chief Russo indicated that they would use the traffic team. Sandy will also have teams working, as will the Sheriff's Office. Mayor Weichers reported that the City does not foresee needing overtime because they hired the traffic team. Chief Russo stated that they will adjust their schedule, so there will not be a financial impact on the City. One of the primary objectives of the unit is to work on snow days, keep Wasatch Boulevard open, and keep traffic out of the neighborhoods.

In response to a question from Council Member Birrell, Chief Russo stated that there will be a left turn into the parking lot to inspect cars and send them back out of the canyon if needed. Sandy City will be in charge of Little Cottonwood Canyon, and they will likely pull cars at the trailhead.

Action Item 6.3 was Consideration of Resolution 2024-66, Approving and Ratifying the Appointment of a City Recorder. Mayor Weichers indicated that Maria Devereaux had been temporarily filling the role. City Manager, Jared Gerber reported that they conducted interviews for the position the previous week and subsequently made an offer, which was accepted and needs to be ratified. She would be in attendance at the City Council Meeting but would not begin employment until November.

Mayor Weichers reviewed the Consent Calendar and noted that minutes were not yet available for the September 17, 2024, City Council Meeting. It was noted that those minutes would be needed for bond reporting. Ms. Devereaux indicated that the draft minutes would be available soon.

3.0 STAFF REPORTS

a. Bond Calendar Update – Community and Economic Development Director Michael Johnson.

Mr. Johnson presented the Staff Report and reviewed the upcoming deadlines.

- The voter information pamphlet was designed and reviewed by the legal team to ensure that it complies with the strict requirements regarding content, language, polling information, financial impact statements, and ballot language. It will be mailed to every address in the City the week of October 15, 2024.
- The “for” argument in favor of the bond, which is a statutory requirement, would be read into the record at that evening’s City Council Meeting, after which a public comment period would be held. It would also be sent to the office of the Lieutenant Governor and posted on the City website by October 4, 2024.
- Town Hall Meetings were to be held by Mayor Weichers on October 18, 2024, and Council Member Birrell on October 10, 2024.
- Educational yard signs and social media posts directing people to the project website would come out within the next two weeks.

The committee would also hold neighborhood cottage meetings but because some committee members started campaigns that were persuasive in nature and not educational, they were advised to act as residents when they hold those meetings. The City’s role and commitment of time and resources would be purely educational.

Mr. Johnson reported that Staff is tracking the various noticing deadlines. They had been receiving approximately two emails each day asking questions about the project, and Staff always directs those residents to the website for more information. Ballots would be mailed on October 15, 2024.

Mayor Weichers thanked Mr. Johnson for his efforts on the project. He noted that Iron County missed a reporting deadline and had to push a \$20 million bond back because of that item. Mr. Johnson indicated that it is a lot of work, but the legal team has helped the City stay on track.

b. Sister City Update – Mayor Mike Weichers.

Mayor Weichers provided an update on the Sister City agreement with Incheon, Yeonsu-gu, South Korea. He and Council Member Holton traveled there the previous week, where they signed a Letter of Intent as specified by Incheon’s statutory requirements. Council Member Holton stated that Mayor Lee of Incheon will lead a delegation to Cottonwood Heights in May of 2025 to sign the final Sister City agreement. Mayor Weichers stated that it was an amazing experience. They were treated like royalty. When they walked into the City Hall, Cottonwood Heights’ logo, as well as photos of local landmarks and events, was displayed on a large video screen.

A slide show of photographs was presented, and Mayor Weichers and Council Member Holton discussed the highlights of the trip.

- Council Member Park of Incheon is an alumnus of the University of Utah, which has a campus in Incheon. Hundreds of Koreans are University of Utah alumni, even though they have never visited Utah.
- The delegation included the Governor, the Senate president, Senator Cullimore, and representatives from the Korean Chamber of Commerce of Utah and the Korean Federation of Utah. Mark Peterson, who is raising funds for a documentary on “The Miracle at Gapyeong,” was also present.
- Former Cottonwood Heights Mayor, Kelvyn Cullimore was also present and attended the signing of the Letter of Intent.
- Council Member Holton discussed how Incheon was planned and built. Mayor Weichers added that 60% of the city’s landmass was created just 20 years ago.
- They learned how to make kimchi and dye silk. They were also gifted with custom hanboks.
- The visit was mentioned in South Korean news media, and as a result, people are googling to learn more about Cottonwood Heights.
- Incheon is not interested in the relationship being in name only. They want to develop business, educational, and municipal partnerships. When their delegation visits

Cottonwood Heights, they want to hear from the Council what they expect to gain from the relationship and how it can bring value to the City.

c. **East Jordan Canal Trail (“EJCT”) Feasibility Study Report – Community and Economic Development Director Michael Johnson.**

Mr. Johnson presented the Feasibility Study and stated that the purpose of the study is to inform future Council discussions on priority projects, grant projects, etc. The existing East Jordan Canal trail was completed in 2019. The trail begins at the intersection of Park Centre Drive and Fort Union Boulevard and is paved to the rear corner of Mountview Park. That coincides with the portion of the canal that has been piped and underground for some years. The project was brought forward at the 2023 City Council Retreat as a recommendation from the Parks, Trails, and Open Space Committee and the Council’s direction at that time was to conduct a feasibility study to determine if an extension project should be planned. The Wasatch Front Regional Council later reached out to the City and indicated that they had additional funds available for outdoor trail and transportation projects and that the grant funded the Feasibility Study.

The purpose of the Study was to:

- Analyze the potential expansion of the EJCT.
- Review existing Master Plan recommendations.
- Identify optimal alignment.
- Conduct public outreach.

The study found that the preferred future alignment is along the existing canal. Ideally, the trail would cross I-215 and connect to Murray and the City of Holladay. That property is a separate, fenced parcel owned by Salt Lake City Public Utilities so the City would only need to work with one entity. Introducing a public trail to the area is outside their comfort zone, but that was also their initial concern with the existing trail. They were invited to meetings concerning the study, and Staff walked the trail with them and heard their concerns. The City would need to work with them to reach an agreement. Council Member Birrell stated that these types of open canals with paths along them are prevalent throughout Salt Lake County. The Murray Canal Trail is very successful and has been there for a long time. She is thrilled that the trail is advancing. Mr. Johnson stated that the Murray Canal Trail is exactly like this potential trail. The land is also owned by Salt Lake City Public Utilities, and Murray worked with them to establish an agreement to build the compacted gravel trail along the canal. There is precedent for this type of project.

Crossing the freeway would require collaboration with UDOT, which believes that it falls within their Utah Trail Network Initiative for statewide regional trail systems and some funding could be available through that initiative. Whether the trail crosses Highland Drive or over I-215, it will be complicated to create a crossing that feels safe. The crossing would either be on the bridge of the interchange with heavy traffic or separate infrastructure would need to be built to cross at a different point.

They considered alternative options to create the same level of connectivity by diverting trail infrastructure into public streets in the adjacent neighborhood. Mr. Johnson presented a map showing different routes that were considered for on-street or grade-separated trail infrastructure along the roads in the neighborhood to connect to planned trail projects on Highland Drive. They considered different options for on- and off-street infrastructure, like bike lanes and trails that are physically separated from the highway or bike lanes that are painted on the roadway.

Cottonwood Heights was also part of a Feasibility Study conducted by Holladay and UDOT regarding adding a trail on the north side of I-215. The City could piggyback on their effort. If the Cottonwood Heights trail can cross the interstate, it can then connect to the Holladay Trail, which goes into Knudsen Park and connects to the Cottonwood Canyon Trail.

The City Council discussed potential routes for the trail. The City of Holladay's trail alignment ends at Highland Drive and connects to Knudsen Park, which is already on the Utah Trail Network project list. They just need to apply for the funding and move forward. Holladay has wanted an active transportation connection in that area but they have gotten pushback from residents who believe it would be too close to their homes. They now plan to put it in the I-215 right-of-way and avoid those private property issues. Because that project is already in the works, Staff saw the opportunity to connect to it. Crossing through 2300 East would be another possibility.

Council Member Hyland asked about the crosswalk improvements indicated for Fort Union Boulevard and asked how they relate to the High-Intensity Activated Crosswalk ("HAWK") signal. Mr. Johnson clarified that the study just indicates that there needs to be a way for people to safely cross Fort Union Boulevard. One project idea was a HAWK signal, and the connection could be made at the access to Mountview Park. The Council Members discussed the location of the stairs and bike trail and whether cyclists would be able to use the HAWK signal to cross. The crosswalk improvements indicated in the study could be as simple as striping or something more involved like a raised crosswalk.

The Feasibility Study's recommendation is that Phase 1 should be to complete the trail along the canal. It would not be prohibitively expensive until the phase to cross I-215 is initiated. When presented with the options, residents were overwhelmingly in favor of completing that trail. Some concerns were expressed by residents who do not want sidewalks in their neighborhoods, but there was a lot of support for continuing the trail along the canal. The study used the Murray Canal Trail as a model, which is a crushed gravel trail.

The Feasibility Study was presented to the Parks, Trails, and Open Space Committee on September 25, 2024. The document is not part of the Master Plan, so no formal adoption was required. Mr. Johnson indicated that it should be used as a guiding document when the City Council considers future projects.

With respect to available grants, Mr. Johnson indicated that the Office of Outdoor Recreation has a trail fund, which was used to develop Ferguson Park. Wasatch Front Regional Council likely has active transportation grants available as well. The I-215 crossing may be eligible for funding through the Utah Trail Network.

Council Member Birrell reported that she attended a session given by the Utah Division of Outdoor Recreation at the last Move Conference, and she believed there was an early October deadline for their grant. Mr. Johnson stated that he was aware of available acquisition grants but was not aware of any state funding for trail projects. At the direction of the City Council, Staff can begin pursuing grants. Council Member Birrell stated that members of the Subcommittee on Active Transportation will be happy to fill out grant applications and asked Mr. Johnson to consider using that resource to assist Staff. Mayor Weichers expressed his support for doing everything they can to try to get connected to the Big Cottonwood Trail, and all Council Members agreed. Mr. Johnson reported that the Feasibility Study would be posted on the City website.

Mayor Weichers asked Public Works Director/City Engineer, Matt Shipp to look into applying for a Central Wasatch Council Short-Term Projects Grant to repair the part of Big Cottonwood Trail where limbs have pushed up the trail. Council Member Birrell stated that they should have a conversation on that topic at a future Work Session. Her husband has a background in construction, and he has ideas for the trail that she believes would be cost-effective.

d. Wasatch Boulevard at Fort Union Intersection Project – UDOT Project Manager Becky Stromness, Public Works Director/City Engineer Matt Shipp, P.E.

UDOT Project Manager, Becky Stromness introduced Aubry Bennion from David Evans & Associates, Inc. who is leading the public outreach effort; Nate Jones from Perkins Engineering; and UDOT engineer, Devon Weder. The project was approved by the Transportation Commission in the late spring and they have spent the last few weeks visiting with area stakeholders to let them know that the project will soon be underway. The project will address the issues that arise from wintertime traffic at the intersection of Wasatch Boulevard and Fort Union Boulevard at the mouth of the canyon. They hope to implement a short-term solution quickly to alleviate those issues and make the intersection safer and more efficient while the longer-term solutions are determined.

Ideas for the project were formulated from prior studies. The Big Cottonwood Canyon Corridor Study was conducted in 2022 and suggested dual left turn lanes from southbound Wasatch Boulevard, then extending the merge lanes to accommodate the flow. In their Mobility Action Plan, the Central Wasatch Commission also identified these improvements. Now that the project is funded, fact-finding and engineering can begin to ensure that the solutions will work.

Mr. Jones stated that the layouts being presented to the Council were not the final design. They are in the data collection phase to determine if the solutions presented in the initial studies are still feasible. However, the elements described by Ms. Stromness are most likely going to be in the project.

Council Member Birrell was excited to reduce traffic congestion for roughly 30 days per year that it is an issue in the area, but an ongoing challenge in recent years has been the growing danger to pedestrians and cyclists. She was interested in understanding how the proposal would interface with the proposed intermodal hub. Mr. Jones stated that they are aware of the issue and will be coordinating with all involved to ensure that the projects are compatible. Ms. Stromness stated that they will determine how to best get non-vehicular traffic through the area. Council Member

Birrell commented that the many different types of users are a challenge, and she has been advocating for more neighborhood byways to keep recreational users off the fast-moving roadways. She asked how they plan to safely get non-vehicular traffic from Mine Shaft Road to the other side of the road because she did not see any type of protected bike lane in the plans. Mr. Johnson stated that were identifying the issues at that time, and solutions would be determined in a later phase. The project is only in the preliminary stages. Ms. Stromness indicated that they are asking for partner input early in the project for that reason. They recognize that it is a delicate area. Mr. Jones indicated that the concept plan currently only accounts for cars to the north.

Council Member Hyland remarked that if two turn lanes turn into the canyon and she is driving northbound trying to turn right, it puts so much traffic into the canyon that she cannot get into the intersection because the amount of cars going in is doubled. She asked where the east or northbound cars could go. Mr. Johnson indicated that the two lanes going up the canyon are the pinch point and the further up the canyon those lanes can extend, the better. They will not be able to take it as far as the models will indicate that they should, but any extension will make it better. Council Member Hyland was not in favor of two left turn lanes coming south. Mayor Weichers stated that they would need to successfully merge down to one lane. It was noted the project will include increasing the merge space on Big Cottonwood Canyon Road, and UDOT is currently conducting traffic modeling to determine if that will solve the problem.

Council Member Birrell stated that it is only an issue approximately 30 mornings each year and asked how UDOT envisions getting more people out of their cars and onto buses before they get to that pinch point. Mr. Johnson stated that an original idea was to solve the dual left turns and potentially widen the bridge to accommodate a future bus line that would come out of the gravel pit, go across the bridge, into the parking lot, and merge with the traffic in the canyon. They will conduct traffic modeling, and they understand that eastbound traffic needs to flow. The concept indicated in the presentation is not the final plan. Ms. Stromness stated that they will consider the geography of the road, the soil, utilities, etc., and that will inform the decisions they make in the final design.

Council Member Birrell asked for a commitment from UDOT to address the issue with the curb that was installed in the middle of the bike lane. Ms. Stromness stated that the issue has been escalated to Deputy Director of Engineering and Operations, Lisa Wilson. Mr. Weder indicated that he would provide her with Ms. Wilson's contact information.

The next steps for UDOT include geotechnical, topographical and environmental surveys, and identifying underground utilities. Ms. Stromness noted that constituents might contact Council Members when they see the large geotechnical drilling rig, so they wanted them to be informed about the sequencing of the project. Council Member Birrell suggested dedicating a page in the newsletter to updates on projects people will see in the City. Mr. Weder stated that they encourage people to follow UDOT on social media, because often small projects like that are scheduled and completed before a newsletter is published.

Ms. Stromness indicated that the fact-finding phase of the project was ongoing. Project design is expected to be completed in the spring of 2025, right-of-way acquisition will be conducted in 2025, and construction is anticipated to begin in 2026. She provided contact information for the

dedicated public information team and encouraged the Council Members to forward that information to their constituents.

e. **Utility Easement Discussion – City Manager, Jared Gerber and Public Works Director/City Engineer, Matt Shipp, P.E.**

Mr. Shipp presented the Staff Report and stated that a lot of subsurface utility work is being conducted in the City. For example, Senawave is currently doing subsurface work. A Franchise Agreement is required to work within the right-of-way for all companies except water, gas, and power. The Right-of-Way Permit does not give permission to work on private property unless there is a public utility easement. Typically, underground utilities are placed under the sidewalk or park strip, and City Code requires a Right-of-Way Permit. City Code also specifies that the area must be restored to in-kind or better condition. If the property owner's sprinkler heads are broken, for example, they must be replaced.

City Code also specifies a notification process. Per the Right-of-Way Permit, if work is performed in front of a home the company is required to notify homeowners three days in advance by placing a door hanger on the door of each affected home. The door hanger must include contact information for the onsite representative, the company's contact information, a description of the work, and the estimated time to completion. Businesses require a five-day in-person notice. If there will be any road disruption, they are also required to notify the Unified Fire Authority, the Police Department, the Utah Transit Authority, and the school bus garage. Mr. Shipp believes the notification requirements are robust. However, there are occasions when a flyer gets picked up and discarded by one person walking into the home, so the property owner might not receive the notification. Occasionally, flyers are also displaced. Those instances are out of the City's control.

The contractor may also notify owners of adjacent properties and get permission to stage their equipment and materials on the property. That then becomes a private agreement between the contractor and property owner for use of the property and any restoration that might be required. The Right-of-Way Permit does not give permission to go onto private property for any reason. If there is no private agreement, the City may get the parties together and tell them to resolve it, but the City has no other involvement. Typically, private residents are not charged for permits, only businesses.

Council Member Birrell stated that residents indicate they have not been notified. Additionally, work crews often have no identification. If a resident asks who they are with, sometimes the workers indicate they do not know. She asked if it was possible to require identification on the work vehicles. Mr. Shipp stated that sometimes the people doing the work do not know who they are working for because they are often subcontractors. The main company will hire several subcontractors to perform the work. They are now requiring that, on the project site, there must be someone in charge who is able to communicate effectively with the residents. Each employee should also have a card with the name and contact number of someone who can communicate what they are doing. The main company is required to provide that information to subcontractors. The City can begin requiring vehicle identification as well, perhaps a sticker on the truck indicating that they are doing business for the company that obtained the permit. Problems are addressed if they arise, but they are infrequent, and he believes that the program is effective.

Council Member Newell suggested that they find an effective way to get the information to residents. If they are not informed, they call their Council Member, but the Council Member does not know who is performing the work either. Requiring identification on the vehicles and workers to have cards available indicating who residents can call with questions would be very helpful. He recommended letting residents know about the policy and what questions they can ask. Council Member Hyland suggested that it could be included in the newsletter. Mr. Shipp agreed that they could do a better job of explaining the process. They do list the projects, but not the specific Right-of-Way Permits.

f. Procedural Meeting Discussion – City Manager Jared Gerber.

Mayor Weichers reemphasized rules to ensure that meetings flow how they are supposed to.

Policy 9, Item 1 states that the Mayor is statutorily charged with setting the Agenda for Council meetings. To have an item placed on the agenda, the consent of two Council Members is required, although Mayor Weichers could not recall denying a Council Member's request to place an item on an Agenda. If anyone had an item for discussion, he would be happy to place it on an Agenda.

With regard to City Council conduct, he mentioned the item because, at the last meeting, he was accused of not allowing someone to speak to an issue. If the Council is discussing an issue that was not noticed on the Agenda, it is in violation of the Public Meetings Act. City Attorney, Shane Topham clarified that although they could discuss the issue, they could not take action on it, and he cautioned against making a habit of talking about non-noticed topics. The point of public meetings is to give the public notice of what will be discussed and decided upon.

Policy 10 states that it is the responsibility of the Mayor to try to keep comments on track during public meetings. Mayor Weichers stated that that means to keep comments on the discussion that was noticed. "Members should honor efforts by the Mayor or chair to focus discussion on current Agenda items. If there is a disagreement about the Agenda or the Mayor's or chair's actions, those objections should be voiced politely and with reason. Follow normal parliamentary procedures when appropriate." Mayor Weichers asked for input from the City Council on the policy and indicated that any changes would require two Council Members to bring it up for discussion and a majority to make the change.

Council Member Newell stated that it is the Mayor's responsibility to ensure that the Council is conducting business in a proper manner and redirect them when Council Members veer off track. That could be immediate or done slowly through dialogue but it is his responsibility. He should not feel bad about stopping misdirection because it is part of his role.

Council Member Birrell explained this agenda item has been called because of her statement at the last council meeting. She felt that her comment was germane to the discussion. She did not believe the Council's responsibility is to listen to presentations and nod their heads. They should be interested in the perspective of a Council Member who is looking into the future for potentially unintended consequences of a given action. She understands that when things come in front of the Council, they are there to advise and consent. In the case of the Agenda item in the last meeting,

which was about spending a considerable sum on a traffic study, she believed her question was germane to the subject of why the study was being conducted and what it would bring to their ability to deliberate. She understood that Mayor Weichers disagreed but if he did not believe it was germane and asked Council Member Birrell to curtail her comments she thought he should have the support of at least two Council Members. She believes it should require a Council majority to determine if comments are not germane to a subject because then the public will know that her comment is not esteemed by her colleagues. She believed that when Council Members talk privately and realize they have a majority, issues are advanced or not and the public has the right to know who the Council Members are who want to go in a certain direction.

Mayor Weichers stated that there was no need to discuss specifics of the previous meeting but prior to the meeting, it was understood by the entire City Council that he did not believe the issues Council Member Birrell wanted to discuss were on topic. No Council Members objected to his emailed statement. He stated that if the Council would prefer to take such matters to a vote, he would accept that determination.

Council Member Birrell read the following paragraph from Policy 10, “As a matter of courtesy, Council Members and the Mayor should respond to emails and voicemail messages within 24 to 48 hours. If a detailed response is not possible within 48 hours, the Council Member or the Mayor should acknowledge the email or voicemail with a response indicating when they will be able to fully respond.” She stated that she tries to limit the emails that she sends to her Council colleagues, but she rarely receives a response to something she believes is substantive. She suggested that the Council have deeper communication so they can make the most of public meetings.

Mr. Topham stated that it would be appropriate to acknowledge receipt of an email but cautioned against discussing the item in an email format because it could become an unnoticed meeting. Discussions should occur in Council meetings only.

Council Member Holton commented that communication and relationship matter to a good, functioning City Council but the Council Members are all at different stages of life, work differently, and have different priorities. He considered it unfair for a Council Member to reach out and say that there is a topic they want everyone to discuss because that could then become an expectation. There are only so many issues that the full City Council can tackle. If it is relevant to the next Meeting Agenda, that is different. He believes they need to meet each other halfway in the way they work. If he does not respond to a specific email, he does not do so out of disrespect. It may just not be an issue that he can tackle at the time. If he knows that one or two Council Members are focusing on an issue, he will look forward to seeing the outcome. It could also be a subject with which he just does not agree.

Mayor Weichers asked if it would be better to email individuals when soliciting responses. Mr. Topham stated that it would be better than emailing the whole Council. They need to avoid situations where Council Members get together outside of a meeting and decide on a path forward.

Council Member Hyland commented that the biggest challenge for her has been that she cannot talk to more than one fellow Council Member at a time. The channel of communication can get muddy and she appreciated talking about how to improve communication.

Mayor Weichers stated that when they are discussing the public good of Cottonwood Heights together via email, that bypasses transparency. However, they can legally email each other individually. Mr. Topham's interpretation of the paragraph Council Member Birrell read is that if someone sends an email that they have put work into, it is respectful to thank them for receiving it. He was in favor of putting that topic before the Council for discussion.

It was agreed that if Mayor Weichers indicates that a discussion has gone off-topic unless two Council Members object, the discussion will be closed. If a Council Member would like an item added to the agenda, they need to email their request to Mayor Weichers and copy Mr. Gerber. Council Member Birrell remarked that other cities make the process more transparent so other Council Members can see if a member is seeking to put something on an Agenda.

g. Financial Update – Administrative and Fiscal Services Director, Scott Jurges.

Administrative and Fiscal Services Director, Scott Jurges presented the Staff Report and indicated that the City's fiscal year runs from July 1 to June 30, but the tax year runs from January 1 to December 31. Between January 1 and June 30, revenues come in that apply to the next fiscal year. For example, the taxes that are collected in October, November, and December 2024, can also potentially be collected between January 1 and June 30, 2025. During that period, they are accrued into a balance sheet account until July 1, when the entry is made to recognize the revenues. The City also receives delinquent tax payments from prior years that can be recognized immediately. There are a variety of different revenues received during that six-month period. Typically, those revenues are recognized on July 1.

In 2023 they were purchasing the property at Hillside and in the process of a few other items pertaining to the budget. That step was overlooked in July of 2023, which was caught in the audit. Previous data indicated that the City had \$2,862 in excess revenue. However, additional property taxes of \$285,540 were received. Rather than being \$293,000 short as previously expected, the City is only \$7,533 short, which is in the acceptable range. Additional fees in lieu of property taxes were received in the amount of \$134,000, which brings the total to \$422,000 above budget, which is in line with the projection. Mr. Jurges apologized for the oversight and stated that they would ensure it does not happen again in the future.

Mr. Jurges reported that approximately \$721,000 in sales taxes was collected in July. The prior record was approximately \$671,000 in FY2024. That is an increase of almost \$50,000 or 7.44%. Mayor Weichers noted that in four of the six past months, they collected less than the previous year, so that is a very good start to the year.

4.0 REVIEW OF CALENDAR AND UPCOMING EVENTS.

- a. Arts Council Hallo-Ink will be held from October 1st through the 31st. This is an online social media pen and ink daily drawing tutorial.**
- b. 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.**

- c. Council Member Birrell’s Town Hall to discuss the upcoming General Obligation Bond for The Heights will be Thursday, October 10th from 6:30 p.m. until 8:00 p.m. at the City Hall Cullimore Room.
- d. 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.
- e. 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.
- f. Election Day: November 5th from 7:00 a.m. through 8:00 p.m. at the City Hall Cullimore Room.
- g. City Council Meetings for November will be held on Tuesday, November 12th and 19th starting at 4:00 p.m.
- h. Light the Heights will be on December 2nd from 5:00 p.m. until 7:30 p.m. at the City Hall Cullimore Room.
- i. Arts Council's Holiday Show will be on Friday, December 6th at Butler Middle School from 7:00 to 8:30 PM.

Council Member Newell reported that Bella Vista Elementary was named a National Blue Ribbon School. Only three schools in Utah gained that recognition, which is based on academic outcomes.

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.

MOTION: Council Member Holton moved to ADJOURN the City Council Work Session and enter into a Closed Meeting to discuss Property Acquisition. The motion was seconded by Council Member Newell. 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.

6.0 ADJOURN CITY COUNCIL WORK SESSION.

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

The Work Session adjourned at 6:51 PM.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, OCTOBER 1, 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 Attorney, Shane Topham; Deputy City Recorder, Maria Devereux; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; IT Systems Manager, Matt Ervin, Public Works Director/City Engineer, Matt Shipp

1.0 WELCOME

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

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Maria Devereaux.

3.0 ACKNOWLEDGMENTS

3.1 Beautification Awards, Landscape Award Winners – Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson reported that 2024 is the seventh year of the Landscape Beautification Awards Program, which acknowledges homes and businesses that evoke Cottonwood Heights' character and pride of ownership in taking care of their property. Neighbors anonymously nominate homes and businesses in their neighborhoods. The nominations are then forwarded to each district's City Council Member who is tasked with selecting the district winner. Mayor Weichers selects the winning business. The number of nominees each year speaks to the pride residents have in their City and their properties.

Mr. Johnson listed the winners and displayed photographs of each winning property. The Council Members spoke about why they selected the property. They then presented the Landscape Beautification Award and took photographs with the winners who were present.

District 1: 6750 South Hollow Dale Drive

Council Member Holton congratulated the property owners on winning the award for District 1. He stated that it was a fun exercise. He was given the list of nominated homes and then visited each address. Many homes had beautiful yards that looked very professional but he felt that this home showed all the love that was put into its yard. He had not met the property owners but he could tell that they spent a lot of time in the front yard and put a lot of energy and love into it. The

home really stands out and is a bright beacon for the cul-de-sac. He thanked the owners for sharing their talent and passion and making their yard so beautiful.

District 2: 7846 Danish Point Place

Council Member Hyland commented that she has admired this property for a long time. The backyard is on Danish Road. Most people fence their backyards but this particular property is not fenced and is beautifully landscaped for everyone to enjoy when they drive along Danish Road. The landscaping is thoughtful. The plants are well-established and mulched, so water conservation was taken into consideration. The property owners also installed a bench near the sidewalk for people walking by to sit and enjoy the property. They have opened themselves up to the community and created a space that is welcoming and captures the pride and spirit of Cottonwood Heights. She congratulated them and thanked them for sharing their property with the community.

Council Member Birrell noted that she often rides her bicycle past the property and sees the owners laboring to make it so beautiful. She thanked them for what they bring to the community.

District 3: 2371 East Sundown Avenue

Council Member Newell remarked that one reason he selected the property was for its water-wise landscaping but the most important reason was the steps to the doorway. It is very inviting, with a large variety of plants and the design beautifully accentuates the house.

District 4: 766 Avondale Drive

Council Member Birrell looked at all the homes that were nominated but thought it was unique that someone in a duplex had created such a welcoming entry to their home with a really nice feel as it flows into the neighbor's yard. She highly values both the modest and the opulent and believes the winners showed that range. She values that the owner selected native plants. She noted that the home selected by Council Member Newell has dark-sky lighting that is directed down toward the ground, as did this home. She congratulated the owners and thanked them for what they do for the community and their lovely property.

Business: Alpha Coffee

Mayor Weichers commented that there were multiple nominees but one reason he chose the property is because they have landscaped it so that it feels like you are looking at the foothills instead of a parking lot. They used native, water-wise plants, and he loves the large boulders and rock path. This is what a business that cares about its community should be doing. Mayor Weichers thanked all the winners present.

4.0 BOND ARGUMENTS

4.1 Public Meeting to Hear Arguments for and Against the Proposed Bonds – Administrative and Fiscal Services Director, Scott Jurges.

Administrative and Fiscal Services Director, Scott Jurges reported that the Mayor and City Council are required to issue a “for” argument for the bond. An “against” argument can be presented but it must be done within a certain timeframe to be officially recognized. No arguments against the bond were received. Mr. Jurges then read the City’s official statement for the bond, which is also available on the Cottonwood Heights website as follows:

Cottonwood Heights is a community of residents with strong civic pride and stewardship who care about each other and the beautiful outdoors. We value opportunities that foster a strong sense of community where we can come together to celebrate and connect. As your Mayor and City Council Members, we’re excited about a unique opportunity to create a special place for everyone in our City.

The proposed town center, called “The Heights,” will be built at the old Hillside Plaza shopping center, located at 2300 East and Fort Union Boulevard. The Heights will offer local dining, shopping, open areas with beautiful mountain views, and events for all ages like holiday celebrations, farmers' markets, and senior activities. It is a once-in-a-lifetime opportunity to build a lasting identity for Cottonwood Heights that we can all be proud of.

The idea of a town center isn’t new. It’s been part of city plans since Cottonwood Heights became a city in 2005. In 2023, the city bought the Hillside Plaza property to make sure the space is developed in a way that fits our community—mixing different activities, keeping the right building heights, and creating open areas for everyone to enjoy. The bond will help us make this long-time dream come true.

If we approve the bond, the money will be used to pay for important parts of the town center like open spaces, parking, and other improvements. It will also help us add things that make our City unique like public art, landscaping, and signs that showcase the Cottonwood Heights way of life. Private development will fund the other spaces of the town center.

The bond creates long-term economic benefits for the City and residents. The money will pay off the City’s purchase of the property, which will save the city \$1.2 million each year. By paying off this debt, the City may avoid raising property taxes in the future. Public/private partnerships will add new businesses and development to the City’s economy, generating continuous revenue for the City through land leases, sales tax, and property taxes.

Voting for the bond means investing in the future of Cottonwood Heights. Great communities have places where people can gather and connect, and we believe The Heights can be that place for us. We hope you’ll join us in supporting this bond to make Cottonwood Heights even better.

Submitted by the City Council of Cottonwood Heights, Utah

No opposing argument was submitted.

Mayor Weichers asked if anyone present would like to comment on the bond. There were no comments.

5.0 CITIZEN COMMENTS

Leslie Kovach was present to remind the City Council and City employees of their failure to protect the citizens of Cottonwood Heights, particularly the residents who live along Wasatch Boulevard. She has a view of a freeway sign that will shine into her dining room and her neighbors' bedrooms and kitchens. It is not sufficient that UDOT says they will shine the light down the road. UDOT has indicated that they will use the sign to alert drivers that the traction law is in effect. She asked where the drivers who do not have stickers will go, if they will make a U-turn in the middle of Wasatch Boulevard to get to the tire shop on Fort Union Boulevard or drive down Bengal Boulevard at high speed to try to find a place to obtain a sticker or tire chains. She was concerned as to whether the City will have enough officers to ensure that drivers are not causing congestion in neighborhoods and still enforce the traction laws. In the work meeting, UDOT indicated that they will make Wasatch Boulevard at Big Cottonwood Canyon Road a mess by putting two turn lanes in that will go down to one lane within a few hundred yards, and she believes that will cause a bigger mess and a bigger backup. She asked that they not allow UDOT to create dual left-hand turn lanes and stated that more citizens should be involved in UDOT's plans so they understand that the problem is not only ski season traffic but also day-to-day problems that occur on Wasatch Boulevard. She asked that the City Council and City employees understand that the City consists of people who live here and care deeply about how the City may grow and how these processes can improve their lives. She asked that the City Council not write off Wasatch Boulevard as a lost cause because residents need each of them to fight for the people who live along it.

Debra Bush felt like there was real disrespect for the will of the people because not enough attention had been paid to the petition that was signed by nearly all the residents who live next to the Old Mill. She was disappointed when her friend tried to make an appointment with Matt Holton to discuss issues that were brought up at the Historic District Committee Meeting. Her friend tried to contact him twice but did not receive a response. She was disappointed to hear at the Historic Meeting that Mayor Weichers told the owners that there was no interest in preserving the Old Mill. She hoped that Council Member Newell, as the district's representative will stand up for the residents who signed the petition asking that they not destroy the Old Mill. She considered it disrespectful for the petition to honor an appeal and allow a Hearing Officer to make a unilateral decision without further public comment. She stated that there was no argument against the Town Center because it is appropriate but people who live in her area do not feel it is appropriate to tear down the Old Mill. They believe it is a historic treasure, not a place for high-density housing.

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

6.0 ACTION ITEMS

6.1 Consideration of Ordinance 422 – Amending Chapter 9.05, Cottonwood Heights Code of Ordinances, Regarding Nuisances.

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

MOTION: Council Member Newell moved to APPROVE Ordinance 422 – Amending Chapter 9.05, Cottonwood Heights Code of Ordinances, Regarding Nuisances. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

6.2 Consideration of Resolution 2024-65 – Approving Entry into an Interlocal Cooperation Agreement with the Utah Department of Transportation for Traffic Enforcement.

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

Council Member Birrell stated that it would be very important to remain in close communication with UDOT to ensure that area residents are not overly impacted by the changes to the intersection.

MOTION: Council Member Birrell moved to APPROVE Resolution 2024-65 – Approving Entry into an Interlocal Cooperation Agreement with the Utah Department of Transportation for Traffic Enforcement. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

6.3 Consideration of Resolution 2024-66 Approving and Ratifying the Appointment of a City Recorder.

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

MOTION: Council Member Holton moved to APPROVE Resolution 2024-66 – Approving and Ratifying the Appointment of a City Recorder. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

7.0 CONSENT CALENDAR

7.1 Approval of the Minutes for the City Council Work Session and City Council Business Meeting for September 10, 2024

MOTION: Council Member Holton moved to APPROVE the Minutes for the City Council Work Session and City Council Business Meeting of September 10, 2024. The motion was seconded by Council Member Holton. The motion passed with the unanimous consent of the Council.

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The City Council Meeting adjourned at 7:31 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and City Council Business Meetings held Tuesday, October 1, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____