

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, MARCH 16, 2021, AT 5:00 P.M. THE MEETING WAS HELD
ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT
COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE
ORDER DATED 18 MARCH 2020**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurgens, Associate City Planner and Sustainability Analyst Samantha DeSeelhorst

1. Welcome and Determination – Mayor Peterson.

Mayor Mike Peterson called the meeting to order at 5:00 p.m. and welcomed those listening. He read in its entirety the declaration giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

2. Review of Business Meeting Agenda – Mayor Peterson.

Mayor Peterson reviewed the business meeting agenda.

Public Works Director, Matt Shipp, reviewed the City-wide slurry seal project and the awarding of a construction contract to M&M Asphalt Services, Inc. in the amount of \$333,000. He reported that this is year three of the City's five-year road plan maintenance. There were four bids received on the project.

City Manager, Tim Tingey, reviewed the Interlocal Agreement with Salt Lake County for the conveyance of Mill Hollow Park. Ongoing maintenance was included in this year's budget. The agreement formalizes the conveyance of the park and includes listing Cottonwood Heights as the sole owner responsible for maintenance with the perpetual restriction that it remain a public park or open space. Staff recommended approval. Mayor Peterson reported that the previous succession was also to include part of Butler Park, however, because of land and water conservation fund issues, it would be presented at a later date. He recalled that maintenance was budgeted at \$30,000.

Council Member Bracken reviewed the consent to the reorganization of the Wasatch Front Waste and Recycling District as a local district. He explained that it is a structural change under the law and provides details on the way they are allowed to operate.

3. Staff Reports.

a. Ferguson Canyon Park Initial Discussion – Rob Donigan with Blu Line Designs and Public Works Director, Matt Shipp.

Mr. Shipp reported that the City Council has approved a contract with Blu Line Design. Senior Landscape Architect, Rob Donigan was brought on to design a portion of the Ferguson Canyon Park and the Park and Ride area. The two projects include the parking lot project that is currently under contract and being funded by the Congestion, Mitigation, and Air Quality Fund (“CMAQ”). A rendering of the project was displayed. He indicated that they will next take it to the Parks, Trails, and Open Space Committee for a similar discussion. Once they reach a certain point in the design, it will be brought back to the Council and the public to continue discussion and receive input.

Mr. Donigan reported that their main goal in bringing the matter to the City Council was to get initial feedback and direction prior to moving on to the final design. The parking lot will provide parking as well as access to the existing Ferguson Canyon Trailhead. The park property will be fenced and ultimately converted to an off-leash dog park. Coming in from the parking lot there will be a double-gated system to assist with dog control. The proposed amenities included benches under shade kiosks, overhead structures, drinking fountains, and a dog wash-off area. Access will be provided to the south end hill area with a soft surface natural path. Mr. Donigan explained that it is their intent to maintain as much of the existing vegetation as possible by keeping it as a natural park rather than manicured. They anticipate an irrigation system as they provide landscaping around the park and parking lot to ensure survivability of the plant materials.

Council Member Bruce asked if a smaller dog area was being considered. Mr. Donigan stated that it is a narrow, small area and if it is cut up too much, the survivability and viability of the landscaping within the area decreases. Water is planned for the dogs in addition to yard hydrants or spigots. He emphasized that the intent is to keep the area natural.

Council Member Mikell suggested the addition of setback distances from the walking trail to adjacent homes. Mr. Donigan stated that he would provide a drawing depicting the dimensional references. Mayor Peterson preferred perimeter fencing that is something other than chain link or metal. He was in favor of some type of log pole fencing with mesh that would allow the park to blend into the natural environment. Landscaping elements were discussed. Mr. Donigan explained that the plant palette has not yet been established and diversification of both deciduous and evergreen trees was recommended.

Park access was next discussed. Council Member Petersen asked if a deceleration lane had been considered. Mr. Shipp stated that the parking entrance will be a commercial type and large enough to accommodate smaller ski buses.

Council Member Mikell encouraged discussion regarding the connection to the east and west sides of the property. The possibility of the Utah Department of Transportation (“UDOT”) boring a tunnel below the street was discussed. She believed the project should be marketed as the Ferguson Canyon overflow parking rather than as a City park.

Mr. Tingey explained that as the design process moves forward, they will work with the budget on ongoing maintenance and update the Interlocal Agreement. Mr. Shipp reiterated they are open to suggestions as the design progresses.

b. Interlocal Sustainability Master Plan Discussion – Associate Planner/Sustainability Analyst Samantha DeSeelhorst.

Associate City Planner and Sustainability Analyst, Samantha DeSeelhorst, stated that the purpose of the Interlocal Sustainability Master Plan is to coordinate efforts in terms of sustainability in the tri-city region of Cottonwood Heights, the City of Holladay, and Millcreek. The plan will provide a consistent sustainable vision and clarify the sustainability goals. An introduction to the plan was displayed. The five main sections were developed based on input from staff and the collaboration of each of the cities and community partners.

Ms. DeSeelhorst reported that the first section describes sustainable building and focuses on the process. Policies within the strategy include encouraging the use of local building materials, discouraging the transportation impact from importing materials, and encouraging quality construction techniques and sustainable sites. The demonstration of sustainability benefits focuses on raising awareness of the advantages sustainability offers. Light pollution was included.

The second section detailed energy use. The first strategy was to support energy programs and build on programs that already exist. It also focuses on encouraging energy-saving projects and could include streamlining the permitting process for projects like solar or providing outreach to community members to retrofit their homes. The use also includes energy conservation internally, building auditing, understanding the ecological impact of City buildings, and considering energy efficiency when considering new purchases. Strategies related to energy and emergency management and the relationship between the concepts was reviewed.

The third section described landscaping. The first strategy focused on protecting what exists with regard to the tree canopy. Completing an inventory of the existing tree canopies and the condition of those assets was suggested. The next step builds upon those efforts by adding new trees and foliage and looking at landscaping standards for public and private properties. The section also looks at efforts to provide low-impact landscaping and standards for lot coverage.

The fourth section addresses transportation. The first strategy section focused heavily on idling, which affects Cottonwood Heights directly. This can build on existing idling ordinance efforts through conducting idling audits, understanding where the most idling occurs, and distributing anti-idling materials. This is a strategy that focuses on public transportation and will entail coordination with community partners at the Utah Transit Authority (“UTA”) to ensure that their concerns are heard as part of their planning efforts. Efforts dedicated to active transportation supporting cyclists and pedestrians through maintaining existing paths and installing updated amenities were reviewed.

The fifth section dealt with waste management. Ms. DeSeelhorst noted that their partners at the Wasatch Front Waste and Recycling District were very helpful. The first strategy looks

specifically at reducing paper waste through different forms of communication for billing and newsletters. Limiting paper use for applications and forms was emphasized. A reduction in food waste would reduce the landfill impact and could include coordinating with food banks and local businesses to increase food security for members of the community. Efforts for re-use and alternate options for purchasing new were also addressed. Recycling focuses heavily on policies aimed at supporting the existing infrastructure of recycling that exists and provides clear instruction with regard to what can be recycled in curbside bins or information on places where difficult to recycle items can be taken.

Council Member Bracken noted that Cottonwood Heights scores well in terms of its recycling efforts. One of the better areas has involved their air quality efforts. The Police Department fleet is on Tier 3 with 70% to 80% in emission reductions. All vehicles are newer than 2017 and filled at Tier 3 suppliers. They did do a total conversion of the Wasatch Waste and Recycling fleet from diesel to Compressed Natural Gas (“CNG”) serving all three cities.

Mayor Peterson asked about next steps to implementing the plan in areas that need work. Ms. DeSeelhorst explained that when the plan allows the opportunity for each City to chart their own course. She would continue to coordinate with staff and community members after the plan is adopted to set priorities.

Council Member Bruce suggested friendly competition between communities to improve recycling efforts. She hoped to see language changed from “recommended” to “required” and asked if Ms. DeSeelhorst would suggest the next policy change or prioritize the top three most impactful efforts. Implementation efforts were discussed. Ms. DeSeelhorst anticipated the matter returning for action in the spring at which time public comment could be taken before returning to a City Council Business Meeting. She reviewed the webpage details.

Mayor Peterson expressed his appreciation for Ms. DeSeelhorst and was pleased with the progress to this point.

c. Wasatch Front Waste and Recycling District Resolution Discussion – Council Member Bracken and City Manager, Tim Tingey.

Council Member Bracken stated that Wasatch Front Waste and Recycling was formally created in 2013 by Salt Lake County. At that time, the Board was given the authority to create policy and administer how waste is collected within the district areas. Some changes the Board is statutorily unable to make. For example, approximately 400 properties were annexed into Sandy City and in order to be moved out of the waste collection district to have their waste collection handled by Sandy city, the district boundaries needed to be changed. Those changes needed to go back to the creating entity, which was Salt Lake County. The district is exploring the possibility of becoming a local district so those decisions could be made by the Board and eliminate the need to return to the County for minor changes. The service districts helped sponsor a Bill to allow this type of transition to occur and are currently asking the member cities and metro townships if proceeding along those lines is something they would support. He clarified that the proposed resolution supports that change.

Wasatch Front Waste and Recycling CEO and General Manager, Pam Roberts, reported that they were required to go back to the County Council and ask for permission for Millcreek City to have a seat on the Board when Millcreek City incorporated. This also was necessary for the five metro townships were able to have a seat on the Board. She stated that this is another example of why this is a desired change. She explained that the more authority the Board has, the better. They are the governing body but want to be as independent as possible.

Wasatch Waste and Recycling Legal Counsel, Rachel Anderson, stated that she deals solely in district law and represents districts throughout the State of Utah. The two districts include local districts that are completely independent and special service districts that are not. She explained that the change has been in the works and is the same situation as the Unified Fire Authority (“UFA”) separating from the County. In 2013, the Legislature adopted changes to the governing laws that now provide a statutory method of converting to a local district. It is a technical step in the completion of the process where the County must adopt an intent resolution, hold a public hearing, and ultimately adopt a resolution approving the move. Ms. Anderson reported that an important aspect of the procedure is that every municipality that is currently served within the boundaries of the district must give consent to be converted into a district. Once those consents are received and submitted to the County, they can move forward.

Mayor Peterson asked if the makeup of the proposed district will change and if they still have equal representation. Ms. Anderson explained that they are currently run by a board comprised of one representative from each of the municipalities and the unincorporated counties they serve. They are appointed by their Councils similar to the Unified Fire Service Area as opposed to Unified Fire Authority. Each district will appoint a member and have representation from each municipality. Currently, there is no weighted voting. She stated that they are entirely fee-based and do not impose a property tax. Special Service Districts have the authority to impose a property tax and will not change. The difference will be to determine the entity that goes through the Truth and Taxation process. She explained that once they are a local district, they will go through the process on their own behalf.

Ms. Roberts stated as the CEO of the District, she enjoys being an Enterprise Fund and operating on cash. The billing process has been positive while creating transparency and nurturing relationships with residents. Representation issues were discussed.

d. Interlocal Cooperation Agreement with Salt Lake County on the Conveyance of Mill Hollow Park – City Manager, Tim Tingey.

Mr. Tingey introduced the Interlocal Cooperation Agreement with Salt Lake County for the conveyance of Mill Hollow Park. Staff has budgeted \$40,000 of maintenance costs in addition to water costs of \$15,000 to \$20,000 that will be carried forward through the budget process. He explained the Agreement focuses on the conveyance of the property and Cottonwood Heights would become the sole owner and, therefore, responsible for maintenance, upkeep, and equipment upgrades long term. He noted that the perpetual restriction specifies that if the property is not used as a park or open space, it reverts back to the County. It has been reviewed by staff who recommended approval.

Mayor Peterson reported that the Agreement was originally before the Council eight months ago at which time it was added to the budget. The 10-acre park is located within District 3 and includes a walking path. It was defined as a passive park and is maintained by the service area even though it is owned by the County. The parking lot was recently resurfaced and has a fairly new restroom and playground.

4. Review of Calendars and Upcoming Events.

- a. **February 18 – 9:00 a.m. – City Council Legislative Work Session via Zoom.**
- b. **February 25 – 9:00 a.m. – City Council Legislative Work Session via Zoom.**
- c. **March 4 – 9:00 a.m. – City Council Legislative Work Session via Zoom.**

5. Possible Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual.

There were no closed session items.

6. Adjourn City Council Work Session.

MOTION: Council Member Bracken moved to adjourn. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:48 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, MARCH 16, 2021, AT 7:00 P.M. THE MEETING WAS HELD
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COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE
ORDER DATED 18 MARCH 2020**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurgens

1.0 WELCOME AND DETERMINATION

1.1 Mayor Peterson, as Chair of the City Council, will read the Written Determination Concerning an Anchor Location for this Electronic Meeting During the Current Pandemic, Pursuant to Utah Code Ann. 52-4-207(4).

Mayor Mike Peterson called the meeting to order at 7:00 p.m. He read in its entirety the determination giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

2.0 PLEDGE AND ACKNOWLEDGEMENTS

The Pledge of Allegiance was led by City Manager, Tim Tingey.

3.0 CITIZEN COMMENTS

Tim Halbeck stated there are taco stands just outside the City and asked the Council to consider making food trucks within certain areas legal throughout Cottonwood Heights.

4.0 ACTION ITEMS

4.1 Consideration of Resolution 2021-11 Approving and Ratifying a Bid and Awarding a Construction Contract to M&M Asphalt Services, Inc. for a City-Wide Slurry Seal Project.

Public Works Director, Matt Shipp, reported that it is a part of the five-year plan. The Contract for Work was to take place in the summer of 2021. He noted that the City is currently in the third year. The five-year plan was to be refreshed during the next fiscal year.

MOTION: Council Member Bracken moved to approve Resolution 2021-11. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Council Member Bruce-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

4.2 Consideration of Resolution 2021-12 Approving an Interlocal Agreement Whereunder Salt Lake County will Convey Mill Hollow Park located at 2850 Hollow Mill Drive to the City (for no cash consideration) for Perpetual Use for Park and Open Space Purposes.

Mr. Tingey reported that Interlocal Agreement between Salt Lake County and Cottonwood Heights pertains to the conveyance of the Mill Hollow Park property to the City. The County would deed the park to the City and as part of that agreement would be responsible for the maintenance and upkeep of the park. As part of the agreement, the property must remain an open space or park area or revert back to the County with the exception of any right-of-way expansion. The item was budgeted during the Retreat in 2020. Staff recommended approval.

MOTION: Council Member Bruce moved to approve Resolution 2021-12. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Council Member Bruce-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

4.3 Consideration of Resolution 2021-13 Consenting to the Reorganization of the Wasatch Front Waste and Recycling District as a Local District.

Council Member Bracken reported that Wasatch Front Waste and Recycling handles trash, recycling, and glass pickup for the City of Cottonwood Heights. They have been operating as a County division and in 2013 became a Special Service District with an Administrative Control Board. They were given most of the authority to do as they need with regard to setting policy, making purchases, and setting a budget. The proposed Resolution would give consent as one of the member cities to make a request of the County Council to change from a Special Service District and have the Wasatch Front Waste and Recycling District act as a local district with an appointed board. This would give the board full authority to handle all aspects of the operation of the districts. He remarked that it would include the homes most recently annexed into Sandy City. They were statutorily forced to return to the County Council to have the homes serviced by the same waste provider as Sandy City. Since then, the law has been amended and Cottonwood Heights is pursuing that progression currently.

Wasatch Front Waste and Recycling CEO and General Manager, Pam Roberts, stated she does not see the community partnership changing with the City and will continue proudly serving the residents of Cottonwood Heights. She believed the change will provide greater autonomy and eliminate the unnecessary step of having to go to the County Council for certain items.

MOTION: Council Member Petersen moved to approve Resolution 2021-13. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Mikell-Aye, Council

Member Bracken-Aye, Council Member Petersen-Aye, Council Member Bruce-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Work Session and Business Meeting Minutes for February 16, 2021; and the Retreat Work Session Minutes of February 10, 2021; and the City Council Legislative Work Session Minutes of February 25, 2021.

MOTION: Council Member Bruce moved to approve the City Council Work Session and Business Meeting Minutes for February 16, 2021, Retreat Work Session Minutes of February 10, 2021, and the City Council Legislative Work Session Minutes of February 25, 2021. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to adjourn the City Council Business Meeting. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 7:19 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work and Business Meetings held Tuesday, March 16, 2021.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: April 6, 2021