

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, DECEMBER 1, 2020, 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, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior City Planner Andrew Hulka

**1. Welcome – Mayor Michael Peterson.**

Mayor Mike Peterson called the meeting to order at 5:01 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 Michael Peterson.**

Mayor Peterson reviewed the Business Meeting Agenda.

Community and Economic Development Director, Michael Johnson reviewed the Ferguson Parking Project extending from Prospector Drive to Honeywood Hill Lane. Staff received numerous public comments similar in nature and includes residents of Quicksilver Drive requesting the permit area be expanded in their direction. He confirmed that this must be acted upon within 30 days of the public hearing.

The action items were next discussed. Mayor Peterson reported that the first adopts an annual meeting schedule for the first and third Tuesday of each month. The next involves the Consulting Agreement with Bowen Collins and Associates regarding a study for the Storm Water Utility Program.

Public Works Director, Matt Shipp stated the second item pertains to the Storm Water Fee as previously discussed. Staff will present this item to the Council for comments and as directed, it will be taken to the public for input and comment prior to implementation. The cost of the study is approximately \$40,000.

3. **City Council Reports.**

a. **Parks, Trails, and Open Space Committee – Council Member Mikell and Jennifer Shah, Chair of the Parks, Trails, and Open Space Committee.**

Jennifer Shah, Chair of the Parks, Trails, and Open Space Committee reported that their current membership has changed. They have three new members with multiple members being retained. She provided an outline of their goals and accomplishments made since inception. Their goal is to create awareness of existing parks, trails, and open space opportunities that have been provided in a hard copy format depicting walking tours throughout the City and included in the monthly newsletter articles. They are also focusing on the Bonneville Shoreline Trail and Utah Open Lands parcel that was recently preserved as open space. She stated that they work closely with Blue Line Design on the Bonneville Shoreline Trail Access Plan and hosted an open house in February. Another goal is to create programs to introduce citizens to opportunities related to their parks and open space. An event was held in 2019 to test out the potential of a dog park. She indicated that they are discussing the potential to institute a donation program to bolster amenities and give citizens an opportunity to memorialize loved ones.

Ms. Shah described locations of proposed trail locations. She explained that the City has completed two trails, the extension of the Big Cottonwood Canyon Bike Trail as well as the East Jordan Canal Trail. They will be working on other proposed trails in the near future with the Fort Union and Canyon Rim Trail connecting Prospector Drive to the Canyon Rim Development. She confirmed that they are focusing on the Bonneville Shoreline Trail alignment with the Bonneville Shoreline Coalition and exploring opportunities to actualize the connector trails. They are also working on a new ordinance regarding protection that is tied to the Sensitive Lands Ordinance.

Ms. Shah reported that they have had discussions with Salt Lake County regarding Crestwood Park and as a result, their surface trails have been refinished and the bridge improved. The Committee expressed interest in having a dog park and plans along Wasatch Boulevard. They are currently reviewing amenities throughout the parks and considering applying for a Utah Outdoor Recreation mini-grant to purchase needed items. Although they are not intimately initiating the parking expansion permit area in Ferguson Canyon, she believed it will affect the Committee's activities. A list of endeavors was shared.

Mayor Peterson thanked Ms. Shah for her efforts along with the previous chair, Melissa Fields.

Council Member Bruce stated that if there was a QR Code associated with the urban trails webpages, it could be identified on historic signs throughout the City and brochures printed to provide easier access.

b. **Historic Committee – South Salt Lake Valley Mosquito Abatement, and Emergency Planning – Council Member Bruce and Historic Committee Chair Jim Kichas.**

Council Member Bruce introduced Jim Kichas, Assistant Director at the Utah State Archive. He is a lifetime resident of Cottonwood Heights and Chair of the Historical Committee. Mr. Kichas

provided an update of the Historic Committee and stated that their first major initiative of 2020 was to develop a strategic plan covering the years 2020 through 2025. The intent was to coordinate activities and ensure that the goals they are pursuing are in alignment with the City's objectives and authorizing the mandate language in the City Ordinance that creates the Historic Committee. The three key goals included the following:

1. Provide the City's history to its citizens through technology and other means. A Facebook page was created as well as a working group responsible for administering a World History and storytelling initiative.
2. Administer the Historic Committee archives. This task was 75% complete prior to Covid and will continue to work toward completion.
3. Take the lead on historic preservation in the City. They were able to maintain their status with the State's preservation office as a certified local government representative allowing grant application opportunities.

Mr. Kichas confirmed that if there is a Butlerville Days in 2021, they are looking to have an exhibit of those festivities. A Veterans Monument will be explored and will continue their oral history initiative. He stated that the Committee will work to maintain their certified local government status and potentially apply for grant funding.

Council Member Bruce reported that Emergency Management completed their ShakeOut event in November with a 16% response in 2019. Participation dropped to 10.9% in 2020. The red tag procedure was reviewed. She explained that a red tag tied to the outside of a front door alerts emergency responders that there is a critical incident taking place inside.

Mosquito abatement was next discussed. Council Member Bruce reported that Cottonwood Heights is a part of the South Salt Lake Mosquito Abatement District and it has been 857 days since their last safety incident. There were several cases of West Nile Virus borne transmissions with no deaths.

**c. Utah League of Cities and Towns Legislative Policy Committee – Council Member Mikell and City Manager, Tim Tingey.**

City Manager, Tim Tingey reported that the Utah League of Cities and Towns' Legislative Policy Committee has been meeting every other month and will meet weekly beginning January 2021. The Coronavirus Aid, Relief, and Economic Security ("CARES") Act funding has been extensive throughout the State and they have benefited as a community by expanding resources and addressing COVID-19 issues. Advocacy will continue through the Legislative Session where lobbyists and City representatives will work more closely to reach out to Legislators.

**d. Arts Council and CH Business Association – Council Member Petersen.**

Council Member Peterson reported that the Arts Council is moving in a positive direction. They have a virtual Santa Claus event where over 150 children will have the opportunity to meet

virtually with Santa. The Council has been very involved in Facebook and viewership increased by 200%. They are in the process of preparing for the performance of *Matilda*. He encouraged residents to sign up with the Arts Council through Facebook and become engaged.

The Business Association was next discussed. Council Member Peterson reported that several businesses have requested loan information as a result of COVID-19. He noted that sales tax revenues were much higher than anticipated. He believed there will be another round of aid coming. At that time the City can evaluate how local businesses are impacted.

e. **Youth City Council, Wasatch Front Waste and Recycling District Board, Butlerville Days Committee, and CH2 Board – Council Member Bracken.**

Council Member Bracken reported that the tree planting that took place in conjunction with the 15 Year Celebration was complete. He meets monthly with the CH2 Board and the parks are being cared for and trails are being cleaned and maintained.

The Wasatch Front Waste and Recycling Report was previously presented and Council Member Bracken confirmed that they will continue with the area programming. He was to assume his official position as Chair in January 2021.

Youth City Council Meetings were being held via Zoom. Fabric packs will be made available and members will be participating in a virtual service project.

f. **Central Wasatch Commission, Conference of Mayors, Council of Governments, UFA Board, COG Public Works, CWC Transportation, ZAP Tier II, and UFA Finance Committee – Mayor Peterson.**

Mayor Peterson reported that the Central Wasatch Commission (“CWC”) recently held a two-day Transportation Summit. Because it is so complex, he asked a CWC representative to be present at the next City Council Meeting to describe the progress. He expressed concern with the CWC regarding unintended consequences and challenges that specifically impact Cottonwood Heights. The Committee is considering reintroducing Federal Legislation and made a draft available for public comment.

The Conference of Mayors (“COM”) meets monthly and at their last meeting, they discussed Storm Water Fees, Police Advisory Boards, and legislation. Homelessness and plastic grocery bags have also been topics of discussion.

The Mayor next discussed the Council of Governments (“COG”) where they discuss common issues. He explained that COG is also where appointments to other Councils frequently take place. He recently gained his appointment to the Tourism, Recreation, Cultural, and Convention (“TRCC”) Advisory Board as well as the Zoo, Arts and Parks (“ZAP”) Tier II Advisory Board who reviews and recommends funding to approximately 200 applicants within the Arts. He also serves on the Public Works Committee where they look for funding for open space and lands needed for rights-of-way.

Unified Fire Authority (“UFA”) Board meetings are also held monthly. Mayor Peterson believed this was one of the most important Boards that he serves on. He commented that it is an excellent committee with excellent leadership.

The Mayor reported that he is a member of the Finance Committee that deals with CARES Act funding, COVID-19 impacts, staffing issues, and updates benefits packages.

**g. Salt Lake Valley Emergency Communications Center – City Manager, Tim Tingey.**

Mr. Tingey stated that they are making great progress with the new Executive Director, Scott Roth. He stated that Mr. Roth’s expertise and experience is very evident. Recommendations have been made regarding technology and the City now has a Finance Committee and Deputy Director over Finance. He emphasized that he has more confidence in the transparency with the financials and budget processes.

**4. Staff Reports.**

**a. Affordable Housing Text Amendment – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the Affordable Housing Text Amendment and stated that it is an applicant-initiated text amendment from Rockworth Development. They are proposing to modify the affordable housing provision in the PDD Ordinance. The original proposal specifies a minimum of 10% of the units in a project shall be provided as Below Market Rate (“BMR”) units as affordable at or below 80% if the Area Median Income (“AMI”). The difference between the proposal and the ordinance is that the requirements include affordable units at 50% of the AMI rather than 80%. Staff was relatively receptive to the amendment as 80% still complies with the City’s affordable housing goals. They recommended the project provide 15% of the units as BMR. Staff has been preparing to present a City-initiated amendment to the PDD Ordinance for clarification.

Mr. Johnson explained that the matter was not brought forward for approval because the original Rockworth PDD development was submitted and vested under the current City Code. Staff believed that trying to address the proposal against a City-initiated amendment to the ordinance that would not apply to their project may cause confusion. The Planning Commission voted 6-to-1 to that 20% be provided as affordable at or below 80% AMI. After being reviewed by the Planning Commission, the applicant revised their original proposal to 15% of the units being provided at 80% AMI. Staff reviewed the revised proposal and was comfortable with the adjusted 15% but acknowledged that it differs from what was recommended by the Planning Commission.

The proposed verbatim language was reviewed. Mr. Johnson reported that the language gives developers the option to provide units at 50% AMI or the income band between 50% and 80% AMI. If there is a mix of the two percentages, the required number of affordable units is subject to Council discretion. The ordinances of surrounding cities were discussed. Of the nine cities

staff reached out to regarding their average housing costs, six utilize 80% AMI, one was at 50%, and another was at 50% to 60% AMI.

Mr. Johnson reported that 10 cities confirmed that they do offer some subsidies. Staff felt that the increase from 50% AMI to 80% AMI as proposed still allows the City to meet the affordable housing goals as adopted. The increase in the number of units in a project from 10% to 15% allows for the provision of more affordable units than the current ordinance while still at a rate that is considered affordable. Funding was discussed. Staff's recommendation was to leave the formula flexible and to the discretion of the Planning Commission and City Council. Mr. Johnson noted that the 50% allowance originated from a staff member who is no longer employed by the City. He believed it was added based on an ordinance from Stamford, Connecticut.

The northern gravel pit development was reviewed. Mr. Johnson confirmed that the current Ordinance requires 42 units and the developer has proposed 419. An increase of 15% would raise the total number of units to 63. He reported that this is a legislative decision as the Planning Commission recommended 20%. Staff was supportive of 15%.

Council Member Mikell stated that she previously asked the developer how many units were proposed as part of the plan and the maximum density. Mr. Johnson explained that if utilizing the mixed-use ordinance, the maximum density allowed would be 35 units per acre. He stated that density can be presented in multiple ways. The ordinance encourages developers to be efficient in how their developments are designed to maximize the density they are trying to achieve. Council Member Mikell noted that there are not many ADUs in her District but there is support for families to live in the City after they graduate. Those who work in the City live in the City making it more transit-oriented. She believed that they need to further review the AMI and a range of 50%. She spoke with a resident who works for Salt Lake City in affordable housing who emphasized the importance of being in the 50% to 80% range.

Council Member Peterson asked if the Highland Pinnacle Apartments have any of the numbers discussed to give a better perspective. Mr. Johnson stated that none of the units that are income-restricted are in line with market rates. Council Member Bruce believed that the previous Council went with more aggressive requests of the developer due to the PDD. She stated that the Council has a part in determining those numbers.

Mayor Peterson appreciated the attitude of the Planning Commission and stated that if the AMI is increased from 50% to 80%, they should require a higher percentage of units be available. If they go with the 80%, he recommended moving forward with 20% of the units. He believed this was a legislative philosophy moving forward as it involves additional projects moving forward. Additional discussion was recommended.

## **5. Review of Calendars and Upcoming Events.**

- December 5 – Visit Santa at His Workshop – A virtual visit with Santa.

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

No Closed Meeting was needed.

7. **Adjourn City Council Work Session.**

**MOTION:** Council Member Bruce 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 6:37 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, DECEMBER 1, 2020 AT 7:00 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 Jurges

**1.0 WELCOME AND DETERMINATION**

**1.1 The Mayor, 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**

Council Member Bracken led the Pledge of Allegiance.

**3.0 CITIZEN COMMENTS**

*Kim Stojack* was frustrated that her cul-de-sac was omitted from the current slurry seal and repaving work. Mayor Peterson explained that there is a five-year plan in place. Staff would contact her within 24 hours to address her concern.

There were no further citizen comments.

**4.0 PUBLIC COMMENT**

**4.1 Ferguson Parking Permit.**

Mr. Johnson reported that the above matter involves a petition submitted by a resident in the area to extend the existing permit parking area near the Ferguson Canyon Trailhead. The area includes 19 properties, 15 of which signed the petition. A map of the property was displayed. Mr. Johnson confirmed that the ordinance requires 51% of affected owners to sign the petition before it will be

considered by the City Council. The proposed expansion would extend southward on Prospector Drive to Honeywood Cove and require permit parking within one-third of a mile of the trailhead. There is currently an overflow area below that is scheduled to be improved to full parking this summer. The staff findings included that the petition and rationale generally comply with the findings in the Ordinance and meets the general criteria for parking permit areas being issued by the City Council. Mr. Johnson confirmed that the Police Department has expressed opposition to the petition.

The next step would be to provide public notice and conduct a hearing where the Council will be required to make a final decision within 30 days. Mr. Johnson confirmed that notices were mailed to property owners within the required notice area and 500 feet beyond in all directions. A Council decision is required at the December 15 meeting.

Mayor Peterson reported that the Council Members visited the area during peak summertime hours and are sensitive and aware of the challenges that impact the neighborhood.

Mayor Peterson opened the public hearing.

*David Hancock* reported that he resides on a portion of Quicksilver Drive that is part of the permitted parking area. He expressed frustration with the parking situation on their narrow street. He was concerned that they will be moving the Prospector Drive on-street parking to Quicksilver Drive as they will be the only remaining trailhead that is open to public parking. Trail patrons park on both sides of the street, which is so narrow that they only have a sidewalk on one side. Mr. Hancock indicated that people regularly getting lost while looking for Ferguson Trail and they frequently trespass to take a shortcut up the hill rather than walking back to access the trailhead. He requested that the on-street parking permit be increased to include all of Quicksilver Drive as the increase in traffic makes the street impassable and makes it difficult for residents to back out of their driveways.

Mr. Hancock respectfully disagreed with the position of the Police Department. He stated that his home is one of the few with on-street parking and he has never called the police to report parking issues. He considered enforcement to be a non-issue once signs are posted and requested that the City consider going back to the original program allowing a specific number of rear-view mirror hangers for visitors and service providers. He stated that there is no way to obtain a permit in a timely manner for last-minute visitors or emergency providers. They are requesting Quicksilver Drive also be changed to allow on-street parking and he expressed his support for the Prospector Drive request.

*Katie Brown* identified herself as a resident of District 4 and expressed concern with a lack of awareness in the overflow parking. She questioned signage and how the City is directing visitors to those locations. She encouraged the City to make it easy for people to access the trail from the overflow lot, especially as it is being developed.

*Anna McNamer* stated this is an issue related to fiscal responsibility and fair use for the community. She recommended that signage be posted, which would cost less than asking officers to enforce an enormous area. She did not support visitors being asked to pay to park when coming from other

cities. If other issues arise, she suggested separating zoning ordinance issues from noise and disturbance-related issues.

*C. Powers* stated that she has lived on Quicksilver Drive for 36 years and is aware of the highly traveled spaces and the need to limit parking. She supported permit parking and preferred to choose who parks in front of her home.

*Tim Halbeck* suggested signage include an arrow directing patrons to the trailhead and another identifying the exit.

*Brandon Dodge* sympathizes with residents near the Ferguson Canyon Trailhead and was concerned with the public funding limited parking on nearby streets. He proposed that the City make all streets in Cottonwood Heights resident parking only. He believed this would alleviate visitor parking issues.

*Kelly Calder* identified himself as the Petitioner and referenced the 14<sup>th</sup> Amendment that describes equal rights under the law. He raised concern with public roadways being funded and maintained by the institutions to which taxes are paid. He referenced a Supreme Court Case from October 1977 where the County established residential permit parking to restrict commuters. He considered it to be similar to the Ferguson Canyon issue where the court voted in favor of the commuters. The issue was taken to the U.S. Supreme Court who overruled the judgment as the Constitution does not presume distinctions between residents and non-residents. It requires only that the distinction drawn by an ordinance promote objectives that relieve residents of the parking districts from unreasonable burdens in finding spaces near their homes.

*Sam Fisher* indicated that he is one of the 15 petition signatures in favor of restricting parking along a section of Ferguson Drive that is most impacted by parking congestion due to the proximity of Ferguson Canyon. He believed there is insufficient parking at the trailhead on Timberline and it is more convenient for visitors to park along the residential street than in the designated overflow parking along Prospector Drive. He expressed concern with safety as the street is steep with limited visibility. He supported the extension to Quicksilver Drive and the concept of additional signage.

There were further comments. The public hearing was closed.

Mayor Peterson asked if the Quicksilver Drive concern is a separate issue. Mr. Johnson reported that the current petition would need to be amended to include Quicksilver Drive or a new petition created. City Attorney, Shane Topham believed there was no way to make additions to the existing petition. If residents of Quicksilver Drive wish to provide a petition, it would be a separate process. In response to a question regarding Constitutionality, Mr. Topham had not researched the matter identified by Mr. Calder. He understood that this sort of parking permit program in stress areas will be Constitutional.

Mr. Johnson explained that without stipulations or conditions, staff would order and post signage and send notifications regarding the new permit requirements to those who are impacted. Residents could then apply for permits.

Mayor Peterson raised concern with the parking lot being closed during construction and proposed implementing signage once the project is completed. He was in favor of the restricted parking, which he believed works well near the Recreation Center. Council Member Bracken stated that these types of areas are common and agreed that parking should be allowed on a public street unless there is a compelling reason to prohibit it. He considered signage to be something that can be taken care of quickly.

From an equity perspective Council Member Mikell stated that the overflow parking is .20 miles from the trailhead and implementation would require everyone to walk. She recognized the equity concerns but with the alternative of 70 parking stalls, it appeared reasonable and rational. She suggested moving construction to Fall 2021 to eliminate construction during summer peak times. Mr. Johnson suggested a scenario where during the construction of the overflow lot, restrictions could be loosened and then reinstated when the lot is finished. Construction was anticipated to take 90 days. The timing of the project was discussed at length.

Council Member Bracken stated that the process around the Recreation Center does not involve a residential parking permit, which was the original request. ‘No Parking’ signage was posted with parking permitted within certain hours. Mr. Johnson confirmed that he and Mr. Tingey would continue to discuss the matter and return with additional details at the next meeting.

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Ordinance 350 Adopting an Annual Meeting Schedule for 2021.**

Mr. Tingey reported that the proposed ordinance is required by State Law and adopts the upcoming year’s schedule. It includes meetings of the City Council, Planning Commission, and other Committees. Staff recommended approval.

**MOTION:** Council Member Bracken moved to approve Ordinance 350. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

### **5.2 Consideration of Resolution 2020-55 Approving Entry into a Consulting Agreement with Bowen Collins & Associates for a Storm Water Utility and Associated Program Development.**

Mayor Peterson reported that the above resolution approves entry into a Consulting Agreement with Bowen Collins & Associates for a Storm Water Utility and Associated Program Development. The \$40,000 contract would be paid out of the City’s impact fees.

**MOTION:** Council Member Bracken moved to approve Resolution 2020-55. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Bruce-Aye, Council

Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously. Council Member Mikell did not participate in the vote.

**6.0 CONSENT CALENDAR**

**6.1 Approval of the City Council Work Session and Business Meeting Minutes of November 17, 2020.**

**MOTION:** Council Member Bruce moved to approve the City Council Work Session and Business Meeting Minutes of November 17, 2020. The motion was seconded by Council Member Mikell. The motion passed with the unanimous consent of the Council.

**7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The meeting adjourned at 8:07 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Business Meeting held Tuesday, December 1, 2020.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: December 15, 2020