

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, JANUARY 4, 2022, AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

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

1. Welcome – Mayor Weichers.

Mayor Mike Weichers called the meeting to order at 5:02 p.m. and welcomed those present.

2. City Lobbyists Report – Mr. Brian Allen, Ms. Chantel Nate, and Mr. Greg Curtis.

Mayor Weichers introduced City Lobbyists, Brian Allen, Chantel Nate, and Greg Curtis.

City Manager, Tim Tingey, presented the Staff Report, which detailed areas of priority within the City. The Staff and Council have been collaborating year-round with multiple committees and the Utah League of Cities and Towns (“ULCT”) to identify several issues of priority having implications for the City of Cottonwood Heights. He requested input from the Council related to the upcoming legislative session. Top priorities included the following:

- Road-related issues;
- Environmental impact statement process with UDOT and Wasatch Boulevard;
- Open space funding options;
- Short term rentals;
- Density and zoning review modifications;
- Justice courts opioid settlements;
- Garrity statement modifications; and
- Fireworks.

City Lobbyist, Brian Allen, reported that election years always create an interesting dynamic, especially with surplus money available and discussions regarding infrastructure development. He stated there are over 100 Bill files on their tracking list that could potentially impact Cottonwood Heights. Top discussions included the following:

- Water issues;
- Re-districting process;
- Election law changes;

- Public safety retirement;
- Protections for medical cannabis users that are public employees;
- Affordable housing and zoning issues; and
- Sales tax modifications.

High-density housing and the need for relief during the current housing crisis were discussed. Mr. Tingey remarked that potential modifications to the moderate-income housing plan are being considered. The modifications are something cities would be required to adopt given several different options to impact affordable housing such as transportation. If requirements are not met, they will look at the possibility of imposing financial penalties on the City.

Council Member Birrell stated that data from other destinations around the world reflect that once these locations have short-term rentals and Airbnbs, lower-income residents are priced out. She asked what type of data the Legislature is working to press for more short-term rentals. Mr. Allen agreed with her concern and stated that current data is available to support that concern.

City Lobbyist, Greg Curtis, noted that the State is in a unique situation where the Utah Department of Transportation (“UDOT”) has publicly stated that they are programmed out and asked that they not be given any more funds. The issue becomes UDOT being funded through a dedicated year mark on the sales tax equivalent to 21% of every sales tax dollar collected going into a restricted fund for transportation in the Tax Increment Financing (“TIF”). Although discussions continue regarding high cross-traffic through multiple municipalities, UDOT has yet to address a meaningful way to deal with these concerns.

Canyon funding was next discussed. Mr. Curtis reported that UDOT remains tight-lipped concerning anything pertaining to the proposed gondola and efforts to protect and respect the environmental process. During the last Legislative session, funding for canyon transportation included nothing specific to gondolas and only referenced transportation. He confirmed that the Restricted Fund places up to \$20 million per year toward Cottonwood Canyon Transportation solutions. The Legislature remains reticent to fund local roads but regional roads, such as Fort Union Boulevard and Highland Drive and their impacts, are more appealing. He reassured the Council that they will continue to work on funding for regionally significant roads.

Mayor Weichers asked if the available funds are included with the infrastructure bill that has passed and how it might impact Cottonwood Heights. Mr. Allen explained that the surplus funds included the majority going toward the Surface Transportation Reauthorization Act. He suggested the City work closely with the water and sewer agencies to determine if there is something they can do. American Rescue Plan Act (“ARPA”) funds were reviewed.

Mr. Tingey reported that Staff follows the Legislative Session with software tracking and is provided a weekly report detailing the status and priorities of Bills. Last year, Staff began a weekly remote meeting with the Council allowing lobbyists to participate. Scheduling issues were discussed.

3. Review of Business Meeting Agenda – Mayor Weichers.

Mayor Weichers reviewed the Business Meeting Agenda.

Police Chief, Robby Russo, reported that Resolution 2022-02 declaring property surplus includes motorcycles they can sell at a high value and reinvest the money to use for other needs. The Police Department tasers are obsolete and they have invested in a new brand that activates the body camera automatically when pulled from their holsters. Through the years, they have been able to acquire additional tasers. They are asking that those be surplused and allocated to smaller departments that require a less-lethal option.

Mayor Weichers stated that the last three agenda items involve the official appointment of three Board Members.

4. Staff Reports.

a. City Council Committee Reports – Mayor Mike Weichers and City Manager, Tim Tingey.

Mayor Weichers reviewed the City Council Committee Reports. He stated he will be serving on the following:

- The Wasatch Front Regional Council (“WFRC”);
- The Conference of Mayors (“COM”);
- The Council of Governments (“COG”);
- The Central Wasatch Commission (“CWC”);
- Tourist Recreation Cultural and Convention Advisory Board (“TRCC”);
- The Unified Fire Authority (“UFA”) Board;
- Unified Fire Finance Committee;
- Public Works Sub Committee;
- City Audit Committee;
- The Canyons School District Liaison;
- Legislative Policy Committee for The League of Cities and Towns alongside City Manager Tim Tingey and Council Member Shawn Newell;
- IT Committee with the City IT Staff and Mr. Tingey; and
- Salt Lake County Zoo Arts and Parks (“ZAP”).

Council Member Peterson would serve as follows:

- The City Audit Committee; and
- The Salt Lake Valley Mosquito Abatement Board.

Council Member Bracken would serve as follows:

- Mayor Pro Tempore;

- Butlerville Days Liaison;
- Cottonwood Heights City and Service Area Committee;
- The Youth City Council (“YCC”);
- Wasatch Front Waste and Recycling; and
- Cottonwood Heights Budget Committee.

Council Member Newell would serve as follows:

- On the Emergency Planning Committee;
- The Cottonwood Heights Arts Council;
- Cottonwood Heights Budget Committee; and
- The Utah League of Cities and Towns Legislative Policy Committee.

Council Member Birrell would serve as follows:

- On the Historic Committee;
- The Association of Municipal Councils; and
- The Cottonwood Heights Benefits and Compensation Committee.

City Manager, Tim Tingey would serve as follows:

- On the Legislative Policy Committee;
- On the Valley Emergency Communications Center (“VECC”) Board of Trustees;
- As Chair of the Budget Committee;
- Short-Term Rental for League of Cities and Towns and Strategy Group;
- Legislative update for Utah City/County Management Association (“UCMA”);
- On the Data Committee;
- The Benefits and Compensation Committee; and
- Transcom Technical Advisory Committee for WFRC.

It was clarified that Council Member Doug Petersen would serve on the Parks Trails and Open Space (PTOS) Committee.

b. Selection of Mayor Pro Tempore – Mayor Mike Weichers and City Manager, Tim Tingey.

Mayor Weichers reported that he recommended Council Member Bracken serve as Mayor Pro Tempore and reviewed City Ordinance 2.20.040 detailing the two-year appointment. The appointment takes place via secret ballot. He noted that those voting may do so at their choosing. The duties of the Mayor Pro Tempore were reviewed.

A secret ballot vote was conducted. Council Member Bracken was selected as Mayor Pro Tempore with the unanimous vote of the Council.

c. **Racquet Club Drive Parking Petition – Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson, presented the Racquet Club Drive Parking Petition and reviewed Title 11, Chapter 22 of the City Ordinance citing that any resident within the City is allowed to submit a Petition for Permit Parking. If successful and approved, the Petition would create an area along a public street where parking is allowed by Permit and issued generally only to those living in that designated area. The request is for property located in the Canyon Center area and includes Racquet Club Circle and the west side of Racquet Club Drive. The petition of November 2021 did not include Racquet Club Drive. Staff expressed concerns that there was no clear evidence provided of a current existing parking issue within the circle.

The petitioners stated the request is to preserve the safety and integrity of the neighborhood in response to the ongoing and future development of Canyon Center. They believe that development in the area will lead to an increase in commuter vehicles. 18 impacted parcels are included in the Permit Area, 11 of which have signed the petition for the 51% requirement to bring it before the City Council. Photos of the property were displayed. Staff determined that based on the evidence provided, the proposal does not reasonably comply with the Ordinance criteria listed in City Code. The applicant also failed to demonstrate an existing issue with commuter vehicle parking on Racquet Club Circle. In addition, no clear evidence was submitted to demonstrate the presence of commuter parking issues along the west side of Racquet Club Drive. Future concerns or worries regarding future parking and vehicular traffic were determined to not be eligible for permit approval. Various options were considered.

Mr. Johnson reported that each issue is reviewed individually on its own merit and a recommendation is made with police and public safety input. Staff recommended approval of the previous two requests. Based on the evidence provided in the current petition, Staff felt it did not meet the criteria. Access to the property was discussed. Mr. Tingey confirmed that the Ordinance will be placed on the Retreat agenda to discuss long-term implications, traffic components, and possible funding of additional studies.

d. **City Code Fire Sprinkler Amendments – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the City Code Fire Sprinkler Amendment and stated that it will add a fire sprinkler requirement for homes over 10,000 square feet in size. It was recommended by UFA officials. Utah State Code was reviewed specifies that a City may require an automatic sprinkler system for structures governed by the International Residential Code (“IRC”) meeting certain conditions. The UFA is most supportive of the condition that an automatic sprinkling system be required if a residential structure under the IRC is greater than 10,000 square feet in size. He noted that the matter will be back for a public hearing at the next meeting and for action in February.

- e. **City Council Meeting Time Discussion – Mayor Mike Weichers and City Manager, Tim Tingey.**

Mayor Weichers stated that he has considered a different option regarding the start time for the Work Session. He believed that beginning at 4:00 p.m. would allow the Council adequate time to discuss issues rather than returning to the Work Session after the Business Meeting. Having additional time would allow them to dive deeper into issues and have dinner together. The Council was agreeable to the time change. Mr. Tingey believed that from a transparency aspect, it would not have a major impact as meetings are recorded and can be attended or viewed online. It was suggested that the Council reevaluate the meeting schedule and potentially move the Business Meeting time to 6:30 p.m.

5. Review of Calendars and Upcoming Events.

- a. **City Council Retreat – January 25, 2022.**
- b. **Legislature Lunch on January 19, 2022, at 12:00 p.m.**

Mr. Tingey reported that the City Council Retreat will commence at 8:30 a.m. and be an all-day event.

As the Legislative Session begins, a Local Officials Day will be held January 19, 2022, at 12:00 p.m. and lunch will be served.

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

There was no Closed Session.

7. Adjourn City Council Work Session.

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

The Work Session adjourned at 6:27 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, JANUARY 4, 2022, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

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

1.0 WELCOME

Mayor Mike Weichers called the meeting to order at 7:00 p.m.

2.0 PLEDGE OF ALLEGIANCE

The Pledge was led by Council Member Douglas Petersen.

3.0 ACKNOWLEDGEMENTS

3.1 Recognition of Aspen, Abby, Chase, Dash, and Dave Johnson by UFA Assistant Chief, Riley Pilgrim.

Mayor Weichers recognized Cottonwood Heights residents, Aspen, Abby, Chase, Dash, and Dave Johnson for their heroic efforts in saving a neighbor from a fire in August 2020. Abby noticed smoke coming from a neighboring home and alerted her parents. Mr. Johnson went to the home and woke the sleeping neighbor, Steve Adamson, who was able to safely exit the home while his family called 911. Mr. Adamson's home was completely destroyed in the fire.

Unified Fire Authority ("UFA") Fire Chief, Riley Pilgrim, presented the Johnson family with a Chief Coin, an award reserved for citizens who go above and beyond and excel in service. He reviewed the details of the event and stated when firefighters arrived, the fire was described as not survivable, and they were not able to enter and search the home. Two of Mr. Adamson's dogs perished in the fire. Chief Pilgrim emphasized that had it not been for the quick action of the Johnson family, Mr. Adamson would not have survived.

4.0 CITIZEN COMMENTS

Gary Thorup reported that he lived at 3148 East Creek Road prior to the City's incorporation and expressed concern with the neighborhood from Creek Road and Danish Road. He expressed frustration with speeding along Creek Road and Danish Road running north and south, drivers

ignoring the four-way stop, and the lack of enforcement of snow shoveling ordinances. He urged the Council to make Creek Road and Danish Road priorities and that the issues be addressed.

Alan Mark stated that the intersection at Creek Road and Danish Road is an area of concern. He submitted a video to Mr. Tingey of traffic speeding and vehicles failing to stop at stop signs. Mr. Mark stated that he now wears a Go-Pro while walking and emphasized the need for residents to be able to walk the streets without fear. Enforcement was identified as a concern. He indicated that numerous phone calls and emails have been submitted to both the City and the Police Department and he asked that more action be taken. Enforcement of the Noise Ordinance was also recommended.

Susan Thorup stated that skiers use Danish Road as a back road to avoid being caught speeding along Wasatch Boulevard. She expressed concern with safety and the inability to cross safely.

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

5.0 PUBLIC HEARING

5.1 Racquet Club Drive Parking Petition – Introduction by Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, presented the Staff Report and stated that the above petition involves an amended request from a previous submittal to establish a Permit Parking Area in the Canyon Center area of Fort Union Boulevard and Racquet Club Drive. A property rendering was displayed. Mr. Johnson explained that the City Council has authority on these items and Staff will make a recommendation and take public input. The Council is required to take action within the next 30 days. The Petitioners have indicated that the request is to preserve the safety and integrity of the neighborhood in response to the ongoing and future development of the Canyon Center. Development in the area will lead to an increase in commuter vehicles. 18 impacted parcels are included in the Permit Area, 11 of which have signed the petition for the 51% requirement to bring it before the City Council.

While an additional area was included in the updated request, no additional narrative information, photos, or other evidence was provided. Photos included in the original petition were displayed. Staff determined that based on the evidence provided, the proposal does not reasonably comply with the Ordinance criteria listed in City Code. They also failed to demonstrate an existing issue with commuter vehicle parking on Racquet Club Circle and not enough evidence was submitted to demonstrate the presence of commuter parking issues along the west side of Racquet Club Drive. Future concerns with future parking and vehicular traffic not eligible to merit approval of the permit. When looking at specific criteria in the ordinance, Staff is tasked with identifying and analyzing whether there is an existing parking issue. Alternative options were considered.

Mayor Weichers opened the public hearing.

Jeff Chatelain stated that additional photos of the property were not provided as they would be identical to those previously submitted. It was their intent to protect the residential neighborhood.

He understood that Racquet Club Drive and Racquet Club Circle are both residential streets and are being used as employee and overflow parking. He reported that a “free parking” sign has been posted on the parking structure and the entrance arms are raised but he expressed concern with it not being utilized by the current businesses. He believed there had not been an outcry regarding the congestion because most living on Racquet Club Drive are renters.

Jennifer Cherland reported that she has lived on Racquet Club Drive for 17 years and also owns the adjacent townhome. She was frustrated by the lack of snow plowing, which creates a constant parking and traffic issue with many non-residents parking on the street.

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

6.0 STAFF REPORTS

6.1 Police Report – Police Lieutenant, Dan Bartlett.

Police Lieutenant, Dan Bartlett, presented the Quarterly Police Report and stated that in December there were 1,571 calls for service with 306 on-view calls. Priority 1 response times averaged three minutes. He emphasized that the department is constantly striving to improve and reduce response times. Time delays with VECC were discussed.

Council Member Bracken raised a question regarding recent comments and asked how many dispatches occur with the officer starting at City Hall as opposed to elsewhere in the City. Lieutenant Bartlett confirmed that with the majority of calls, officers are not in the office and are responding from another location within the City. Mr. Tingey stated that he and Chief Russo will be meeting with Executive Director, Scott Ruf, to further discuss the discrepancy in Valley Emergency Communications Center (“VECC”) receiving the call and the dispatch timing.

The Uniform Crime Reporting (“UCR”) view was next discussed. Lieutenant Bartlett reported that they are awaiting numbers to come through the system. It is something they report on monthly. There were 53 adult arrests and 18 juvenile arrests. Traffic citations were reviewed.

Council Member Birrell asked for a detailed breakdown of citations and what districts they are written in. She preferred information be provided to pass along to constituents when asked. Lieutenant Bartlett explained that there are multiple offenses for which citations are written. A breakdown could be provided if requested by the Council. He urged residents to bring issues to the attention of the department.

Chief Russo supported bringing back the data to show what the numbers actually reflect. He acknowledged the struggle with performance standards and imposing a quota with regard to officers writing tickets due to the State Legislature having passed a law prohibiting quotas or requirements for writing tickets. This helps measure the department’s work product. Lieutenant Bartlett explained that writing a ticket comes with a cost. The majority of funds go toward the court, prosecutors, defense, and administration with the State taking a large portion of the proceeds. He stated that there should be a balance of tickets and warnings and education provided to City residents.

It was reported that 14 DUIs were issued in December, 40 reportable non-injury accidents, and 10 accidents with injuries. Lieutenant Bartlett reported that there are two full-time Code Enforcement Officers who manage all Animal Control and Code Enforcement complaints. There were three attended deaths and four unattended deaths. A heat map representing calls within the City was displayed.

The safety message involved raising awareness for National Slavery and Human Trafficking Month. Lieutenant Bartlett explained that this is happening within the City and the State and residents should educate themselves on the subject. The Police Department encouraged anyone who may suspect this type of issue to report it.

6.2 Public Works Report – Public Works Director, Matt Shipp.

Public Works Director, Matt Shipp, introduced himself and stated he also serves as City Engineer. He presented the Quarterly Public Works Report and stated that the City received 40 inches of snow during the month of December, which required 1,500 tons of salt to cover 12,600 miles. Information is tracked, which allows Staff to determine mileage, the plowing location, and the amount of salt used. He noted that all calls are logged and reiterated that they are not a snow removal operation but a snow plowing operation. Their job is to clear the lanes for the traveling public. They do not have the ability to clear each driveway. Staff is split during extensive storms as they run six drivers at a time, which allows the other six to run when the previous shift is over. A ride-along invitation was extended to the Council Members.

Capital projects were reviewed. Mr. Shipp reported that the 1700 East sidewalk is being designed and the City is on year four of the Five-Year Road Maintenance Plan. Slurry seal was bid out and will begin in March. The 2600 East sidewalk on Tony Circle is a Federal Aid Project and is under design. Construction was expected to take place in the spring and summer.

Mr. Shipp indicated that Ferguson Canyon Park is in a winter shutdown and the contract is moving forward. He noted that it is a City-sponsored park project that will be funded by community development grants. The parking lot is a federal aid project with construction taking place in the spring and summer of this year. He reported that the Bengal Boulevard and Highland Drive intersection improvements will go through the environmental phase and include bicycle lane improvements and a multi-use trail. The construction of a roundabout will begin in mid-March. The various slurry seal projects were described.

Mr. Shipp reviewed the Racquet Club area and confirmed that the proposed projects have been finalized. Staff received a request for Americans with Disabilities (“ADA”) ramps and were able to install them on Stone Road. The residents were pleased with the outcome.

7.0 ACTION ITEMS

7.1 Consideration of Resolution 2022-01 Declaring Certain Property Surplus.

Chief Russo reported that the above Resolution is for approval to declare certain property surplus including a Harley Davidson Road King motorcycle, which is the oldest bike in the fleet. Once declared surplus, the motorcycle will be advertised and sold. The proceeds will go back to the City. The Police Department asks that the City return the money to the department in the form of a budget amendment to be put back into the department.

The second item pertained to the traditional taser devices. The department has upgraded to a new generation of taser, which is less lethal and works on the muscle-skeletal system used on violent or struggling offenders. The taser works in conjunction with a body camera and is activated once removed from its holster.

MOTION: Council Member Newell moved to approve Resolution 2022-01. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

7.2 Consideration of Resolution 2022-02 Appointing Doug Petersen to the South Salt Lake Valley Mosquito Abatement District Board.

Mayor Weichers reported that the above Resolution involves the appointment of Doug Petersen to serve on the South Salt Lake Valley Mosquito Abatement District Board.

MOTION: Council Member Bracken moved to approve Resolution 2022-02. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Council Member Petersen-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

7.3 Consideration of Resolution 2022-03 Making Appointments to the Unified Fire Authority Board.

Mr. Tingey reported that the above Resolution approves the appointment of Mayor Mike Weichers and Council Member Bracken as Alternates to the UFA Board.

MOTION: Council Member Petersen moved to approve Resolution 2022-03. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

7.4 Consideration of Resolution 2022-04 Appointing Mayor Weichers to Represent the City on the Central Wasatch Commission (“CWC”).

Mayor Weichers reported that the above Resolution involves the appointment of Mayor Mike Weichers to represent the City on the CWC.

MOTION: Council Member Bracken moved to approve Resolution 2022-04. The motion was seconded by Council Member Newell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

8.0 CONSENT CALENDAR

8.1 Approval of the City Council Work Session and Business Meeting Minutes for December 14, 2021.

MOTION: Council Member Petersen moved to approve the City Council Work Session and Business Meeting minutes of December 14, 2021. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

9.0 ADJOURN CITY COUNCIL BUSINESS MEETING

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

The City Council Meeting adjourned at 8:39 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Tuesday, January 4, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: January 18, 2022