

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, NOVEMBER 17, 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 Jurges, 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. Wasatch Front Waste and Recycling District Proposed Fee Increases – Ms. Pam Roberts, General Manager/CEO.**

Council Member Bracken reported that Wasatch Front Waste and Recycling General Manager, Pam Roberts, has been in charge of the District since it began in 2013 and prior to that when it was a division of Salt Lake County. Ms. Roberts stated that they are always looking for ways to improve and keep costs as low as possible.

Ms. Roberts presented the 2020-2021 budget that involves a base fee that includes garbage and recycling collection, which will remain the same. She noted that their Board adopted the budget the previous evening. The bulk trailer rental fee increased from \$145 to \$175 and allows residents to rent the trailer to be parked on their property for three to four days and then hauled off. She noted that this was the first fee increase for the Curbside Green Waste Subscription Program, which was rolled out in 2014 at a cost of \$9.50 per month. The cost was increased to \$10.50 per month with the annual cost increasing from \$114 to \$126 beginning on January 1, 2021. Ms. Roberts stressed the need for the service to cover its own costs.

Ms. Roberts reported that over the past few years there has been an increased need for container repair and replacement. There were also wage increases that the Board authorized for 2020. The 2021 budget includes the modified area cleanup that was run this year. She noted that it was to be run again next year as well.

Ms. Roberts described the process of hiring and keeping drivers. They were initially only able to recruit 16 drivers for the program in 2020 and were already five short. Their mandate is to provide curbside service, which makes it difficult to hire and maintain staff. In 2020, they delivered just over 9,500 containers district-wide and picked up nearly 8,500 tons of bulk waste, which includes green waste. In 2019, they delivered 11,470 containers and picked up a total of 11,000 tons of bulk waste.

Ms. Roberts stated that they are looking to revamp their scheduling system, which was cumbersome. Additional fees charged for items such as mattresses (\$15 per piece), tires (\$3), refrigerators (\$12). When they are fully staffed with 21 drivers and six ground crew they can better manage the workload.

Ms. Roberts reported that they began the year with 16 part-time CDL drivers but averaged 12 drivers per day. At the end of the season, they were down to 10. They were still able to provide the services with drivers averaging 10 containers per day, which was manageable. They planned to deliver 80 containers per day but got to the point with deficiencies that they were able to do 95 to 100 per day depending on the dumping location and proximity to the municipality. A survey was conducted with 414 Cottonwood Heights residents who responded with a 77% satisfaction rating. One of the main issues pertained to the mailing of the postcards, which experienced postal service delays.

Compared to 2019 and overall district wide, in 2020 there was 83% satisfaction district wide. In 2019, the satisfaction rating was at 81.6%. Of those that responded to the survey, 53% left comments. 225 residents left comments with 83 supporting the change and 32 who did not. The primary desire was for more availability. There were also issues with scheduling and the confirmation of scheduling, which will be improved. The hope to increase their efficiencies going forward.

Council Member Bracken commented that due to the importance of the health and well-being of employees, they did not think it was prudent to go back to the former way of doing things. The intent was to avoid potentially infectious interactions with people. Staffing shortages were described. Ms. Roberts explained that it is difficult to recruit and retain employees because they are in a very competitive industry and the National Associations for Waste and Recycling are seeing a nationwide shortage of CDL drivers.

Council Member Bracken reported that going forward the area cleanup will be similar to this year. He stated that currently recycling is more expensive than general waste. They expect that to decrease going forward. He explained that recycling used to be revenue generating but that is no longer the case. Recycling costs have always been covered by the monthly fees paid by residents. The green waste and glass curbside pickup are optional by subscription service. Ms. Roberts reported that the base fee includes one garbage can and one recycling can. Seasonal services are also offered. The area cleanup is considered a seasonal service. The \$17 cost covers the curbside services and area cleanup. The additional service is drawn down in cash. Ms. Roberts stated that their fund balance is healthy at just over \$6 million, which is four months' worth of expenditures. A fee increase was anticipated in 2022.

**3. Review of Business Meeting Agenda – Mayor Michael Peterson.**

The Business Meeting Agenda was reviewed and discussed.

**4. Staff Reports.**

**a. Ferguson Parking Permit – Community and Economic Development Director, Michael Johnson.**

Mayor Peterson reported that he and Council Member Mikell met with residents in front of the Ferguson Canyon Trailhead and witnessed some of the challenges being experienced.

Community and Economic Development Director, Michael Johnson presented the staff report and gave a summary of the existing permit parking area near Ferguson Canyon. The petition submitted proposes to expand the on-street permit parking area to Honeywood Cove Drive with a distance of .3 miles from the trailhead to the parking lot. The on-street parking area was anticipated to be about the same distance from the trailhead. The intent was to eliminate an incentive for people to park on the street on Prospector Drive by making the parking area the same distance in all directions.

Mr. Johnson reported that significantly more than 51% of the properties affected have signed the petition. The overflow lot is not yet improved and will be completed in 2021. Once the petition is submitted and complete, staff will be tasked with conducting a full analysis based on some of the criteria in the Parking Ordinance. Staff consulted with other City departments and found that the proposal reasonably complies with the ordinance criteria set forth in the Code.

Mr. Johnson indicated that the Police Department is generally opposed to the petition for the expansion of the permit parking area. Some of the concerns included:

- The permit area does not redirect vehicles to a viable parking location as it does in other areas;
- Potential conflicts were identified with the 14<sup>th</sup> Amendment by discriminating between residents and non-residents on a public road.
- The intent of the permit parking program is to reduce congestion and neighborhood parking issues;
- There will be enforcement challenges presented by the expanded area and complications when a car that does not have a parking permit displayed is towed; and
- Neighbors were not given adequate notice.

Mr. Johnson contended that vehicles will be redirected to a different parking location although it is not yet improved. He also clarified that proper notice was provided.

Kelly Calder, a 15-year Cottonwood Heights resident, stated that the issue has existed since he moved to the City and continues to be getting worse over time. He felt that as a resident he is most impacted because the parking by permit stops in front of his home. He described various issues that have occurred including groups congregating in front of his home and dirty diapers, beer

bottles, and other refuse being left on his front lawn. Mr. Calder stated that the current situation is very difficult for the neighbors. When preparing the petition, he discovered that all of his neighbors were eager to resolve the situation. Of the 19 residences, he spoke to 17 of the property owners and found that there is strong support for the effort.

Council Member Mikell thanked Mr. Calder for spearheading the effort. She expressed her support for the petition and considers it a safety issue. The road is narrow and windy and there are line of sight issues. She considered the situation to be similar to the Recreation Center. She lives near an informal trailhead and often has people speeding up and down the road, parking in front of her mailbox, and she frequently picks up trash from visitors. She was pleased to see that people are using the trails and mountains but stressed the importance of respecting those that live in the area. She considered what is proposed to be a great compromise.

Police Chief Robby Russo was sensitive to the points raised by Mr. Calder and wished there was another way for people to enter the area without going through the neighborhood. With regard to safety, he stated that mechanisms are in place. He did not agree that just because someone lives in the neighborhood, they feel they are entitled to choose who parks in front of their home, which is on a public roadway. Once that happens, people will feel like they can call the police if someone else parks there and that officers will respond. He stated that it would be resource-intensive for the Police Department to do that.

Mr. Johnson stated that the intent would be for parking to be by permit only with permits being reserved for residents and their guests. A list of vehicle makes and models would be kept and permits would be issued and kept in cars. Guest permits would be temporary. The next step would be to work on the design, which was expected to take three to four months. Construction was expected to occur over the summer with completion anticipated next fall.

In response to a question raised, Mr. Johnson stated that once the overflow area is complete, it will become the primary lot and only the required number of ADA stalls will remain at the trailhead. Council Member Bracken suggested they extend the mailing area for the public hearing and send notice to those living 300 to 500 feet beyond the permit area. Procedural issues were discussed. The decision was made to proceed with the public hearing on December 1. If additional time is needed, the hearing would be continued to December 15.

**b. Union Park Rezone Discussion – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reported that applications were received regarding a rezone near the interchange on Fort Union Boulevard in the vacant Famous Dave's Building. He gave a summary of the request and stated that the four parcels are under the same ownership. The three parking lot parcels, however, are encumbered by an agreement with the owner of the Union Park Office Center and will only be used as parking. As a result, they were removed from the rezone request. Staff recommended approval. Mr. indicated that the restaurant use is non-conforming in the current zone. The entire area has a land use designation of mixed-use so rezoning the property from ORD to Mixed-Use better complies with the General Plan than the current configuration.

Mr. Johnson stated that most uses are allowed in the Mixed-Use Zone but certain standards must be met. The intent was to use the building as a financial institution. He explained that financial institutions are allowed in the ORD zone without a rezone but the required setbacks are not conducive to development on a small parcel. The current building is non-conforming in the present zone in terms of use and current setbacks. In the Mixed-Use zone, the setbacks would allow for a building similar to the one that exists on the site.

The permitted height for a permitted use is two stories and 35 feet. A third story would require a Conditional Use Permit. The maximum height in any case would be 45 feet. Staff recommended approval with the removal of the three parcels from the request. The Planning Commission also unanimously recommended approval. The owners of the office park were concerned about the impacts of any development that takes place. Mr. Johnson stated that those impacts will be dealt with at the site plan approval stage.

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

Mr. Johnson reported that an application was received from the Gravel Pit Developer to modify some of the language in the PD ordinance regarding affordable housing. The matter would be brought back to the Council for further discussion. The current language in the ordinance requires any project with 50 or more residential units to set aside 10% of the units as affordable to households earning 50% or less of the Area Median Income (“AMI”). The developer was proposing 80%, which is generally recognized as the most common affordable housing cost level. Mr. Johnson reported that changing the benchmark to 80% does not negatively affect the City’s ability to meet its affordable housing obligations as laid out by State Code and in the Affordable Housing Plan.

Staff supported an 80% AMI if it meets the City’s Affordable Housing goals, however, if they are providing units at 80% AMI rather than 50%, additional units should be provided and there should be a sliding scale. The more affordable, the fewer the units with a minimum of 10%. The Planning Commission recommended a minimum of 20% of the units in the project be provided at 80% AMI. A City-initiated amendment was to be introduced to the Planning Commission. The preliminary draft specified that 15 to 20 percent of the units be provided if they are affordable at 80% AMI. Mr. Johnson explained that the applicant revised their proposal to specify 15% of the units at 80% AMI. He explained that at 80% it makes financing easier for the private development community, which allows for the potential of many more units rather than relying on subsidies. Affordable housing issues were discussed.

**d. WCRC Grant Discussion – Public Works Director, Matt Shipp.**

Public Works Director, Matt Shipp reported that on September 15 staff presented five projects to the City Council for review for the Wasatch Front Regional Council (“WFRC”) Grants. Staff was directed to submit all five projects as a Preliminary Letter of Intent. That was done and all five projects came back as eligible to apply. The final application was to be submitted by December 10 and needed to be reduced to three projects. Staff identified what they considered to be the three best projects with the final decision to be made by the Council. They were identified as:

1. The 1700 East Sidewalk Project, which involves installing a sidewalk on the west side of 1700 East from Fort Union Boulevard to 7200 South. It was noted that numerous requests had been received for pedestrian access on that road;
2. A sidewalk extension from Belaire Drive to Bengal Cove. It was proposed that the sidewalk and trail be connected where a gap exists to improve pedestrian safety; and
3. A sidewalk at Creek Road and Pepper's Hill.

The other options included:

1. A trail and sidewalk connection project between two condominium projects on the south side of Fort Union Boulevard.
2. Wasatch Boulevard reconstruction and widening, which would take Fort Union Boulevard to a three-lane road with curb, gutter, sidewalk, and bicycle trail on the east and west sides.

A question was raised as to why the Fort Union Boulevard Sidewalk Project could not be meshed with the 1700 East Project. Mr. Johnson explained that the Fort Union Boulevard Sidewalk Project is substantial and required right-of-way dedication. Due to the difference in scales, he suggested they remain separate.

The Council discussed the various priorities. Support was expressed for the three projects identified by staff.

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

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

Council Member Mikell asked what could be done to assist City Manager, Tim Tingey in obtaining the report from the Utah Attorney General. Mayor Peterson offered to reach out and encourage them to move as quickly as possible. Council Member Mikell reported that she had received calls from concerned constituents. Mr. Tingey stated that he was informed that the delay is based on the amount of information.

#### **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 Bracken moved to adjourn. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 7:01 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, NOVEMBER 17, 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, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior City Planner Andrew Hulka

**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 7:08 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**

City Manager, Tim Tingey led the Pledge of Allegiance.

**3.0 CITIZEN COMMENTS**

*Daniel Hales* reported that he has an engineering background and is familiar with roundabouts in Europe. He hoped pedestrian access or connectivity would be provided from the northeast of the roundabout from the LDS Church to Brighton High School to create a pedestrian underpass, a park feature, and a pedestrian route. He believed it would accomplish the goals and purposes of the roundabout.

There were no further citizen comments.

#### **4.0 PUBLIC COMMENT**

##### **4.1 Proposed Budget Amendment for 2020-2021 Fiscal Year – Administrative and Fiscal Services Director, Scott Jurges.**

Administrative and Fiscal Services Director, Scott Jurges reported that nothing had changed from what was presented two weeks earlier. \$2,500 was received from Granite Construction in June of 2019, which was deposited in the General Fund. It was to be used for the 2020 Butlerville Days that was canceled due to COVID-19. The funds were being redirected for the Utah Open Lands purchase and needed to be moved from the General Fund to the Capital Improvements Fund. The Capital Improvements Fund included the re-budgeting of carryover projects. An increase of \$2,427,000 was shown in the Fund Balance. Of that, about \$2,391,000 was directly related to projects that were not finished. The intent was to take \$200,000 that was unspent and direct it to the Scottish Drive and Stormwater Project that was presented to the Council a few months earlier.

Mr. Jurges reported that passthrough funds from Salt Lake County were originally thought to flow directly from the County to the Utah Open Lands purchase, however, it needs to flow through the City. As a result, the expense and revenue of that coming through was shown. There was an additional contribution from Granite Construction in the amount of \$9,000 that was received in September 2020 for use toward the Utah Open Lands purchase. It was reported that the purchase was underway and expected to take place this week.

Mayor Peterson opened the public hearing. There were no public comments. The public hearing was closed.

#### **5.0 PUBLIC COMMENT**

##### **5.1 Union Park Rezone – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the staff report and stated that that the application is to rezone property at 1166 East Fort Union Boulevard from Office Research and Development (“ORD”) to Mixed-Use. The parcel was identified as the vacant Famous Dave’s building. Ownership of the parcel includes three parking lot parcels, however, the rezone was changed to only include a request to rezone the parcel with the building on it. The parcel is just over one acre in size. The Planning Commission reviewed the request and recommended approval. Staff also recommended approval. The current restaurant use is non-conforming in the ORD zone. The proposed use is a financial institution, which is permitted but with much more restrictive setbacks. The Mixed-Use zone is compatible with the General Plan and provides more reasonable standards to allow for development on the property in the future.

The applicant, Rob Merrick reported that their primary goal is to make the site buildable for their client.

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

Mr. Johnson reported that the above request is from Rockworth Development to modify the affordable housing provision in the PPD Ordinance. The current ordinance requires that projects with 50 residential units set aside 10% of the units to households earning not more than 50% of the AMI. The applicant submitted a proposed text amendment to modify that provision to allow a minimum of 15% of units be provided at or below 80% of the AMI.

The applicant, Adam Davis expressed support for affordable housing in the City.

Council Member Bruce asked staff to explain the reason behind the applicant being so involved in writing the City's laws and ordinances. Mr. Johnson explained that anyone is entitled to make an application for a zoning text amendment. Input was also received from the Planning Commission. In order for the applicant to make further changes, he was required to submit a complete application, which was done. Mayor Peterson reminded the Council that because the development is in the PDD zone, it will come to the City Council at which time all of the details will be reviewed. The issue at hand was an administrative issue with respect to the proposed text amendment.

Mr. Davis clarified that the current zoning allows for 35 units per acre, which was the density being requested. It was noted that no density bonus was associated with the PDD zone.

Mayor Peterson opened the public hearing on agenda items 5.1 and 5.2. There were no public comments. The public hearing was closed.

**6.0 ACTION ITEMS**

**6.1 Consideration of Ordinance 348 Approving an Amendment to the 2020-2021 Budget.**

**MOTION:** Council Member Bracken moved to approve Ordinance 348. The motion was seconded by Council Member Petersen. 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.

**6.2 Consideration of Ordinance 349 Approving the Rezone of 1166 East Fort Union Boulevard from ORD to MU.**

Council Member Bracken asked that the above matter be put on a long-term study going forward to look at ORD setbacks and lot lines and how they conform with what currently exists. The intent was to avoid a similar situation in the future.

**MOTION:** Council Member Petersen moved to approve Ordinance 349. 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.

**6.3 Consideration of Resolution 2020-54 Approving an Updated Affordable Housing Plan.**

Mr. Johnson reported that the previous year the Council adopted an Affordable Housing Plan as an element of the General Plan. Previously, new requirements were put in place by the State Legislature for cities to establish affordable housing plans that were required to include certain goals and elements. They would then provide projections for housing needs in the City, area median income, and other data. It must be revised every five years and an update report provided annually. The 2020 report was to be submitted to the State of Utah by December 1, 2020.

Mr. Tingey indicated that he attended a recent meeting with the Utah League of Cities and Towns where he learned that legislation may be proposed that would require cities to allow ADUs within the envelope of existing structures.

**MOTION:** Council Member Bruce moved to approve Resolution 2020-54. The motion was seconded by Council Member Bracken. 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.

**7.0 CONSENT CALENDAR**

**7.1 Approval of the City Council Work Session and Business Meeting Minutes of November 3, 2020.**

**MOTION:** Council Member Petersen moved to approve the City Council Work Session and Business Meeting Minutes of November 3, 2020. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Mikell-Aye, Council Member Bruce-Abstained, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously with one abstention.

**8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The meeting adjourned at 7:58 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, November 17, 2020.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: December 1, 2020